

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE A. STEYER AND                     )  
MARTIN L. POOCK,                             )  
   )  
                          Plaintiffs,                     )  
   )File No.: 1:17-CV-06014  
   )v.                     )  
   )  
LYRIC OPERA OF CHICAGO,                     )  
   )  
   )Defendant.                     )

The deposition of MICHAEL ANDREW BLACK, called  
by the Plaintiff for examination pursuant to notice  
and pursuant to the Rules of Civil Procedure for the  
United States District Courts pertaining to the  
taking of depositions, taken before Brad Benjamin, a  
Certified Shorthand Reporter within and for the  
County of Cook and State of Illinois, at 233 South  
Wacker Drive, Suite 5230, Chicago, Illinois on the  
6th day of September 2019.

1     **APPEARANCES:**

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8                             Appearing on behalf of the plaintiffs;

9             SCHUELER DALLAVO & CASIERI, by  
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16

17     **ALSO PRESENT:**

18     Ms. Elizabeth Landon, Vice President, Human Resources  
19     Lyric Opera of Chicago

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1 (Witness sworn.)

2 MS. HALL-JACKSON: Good afternoon. I'm  
3 Chiquita Hall-Jackson on behalf of both Christine  
4 Steyer and Martin Poock in the matter of Steyer and  
5 Poock versus Lyric Opera of Chicago.

6 MICHAEL ANDREW BLACK,  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows:

9 EXAMINATION

10 BY

11 MS. HALL-JACKSON:

12 Q And could you please state and spell your  
13 name for the record.

14 A Full name?

15 Q Yes.

16 A Michael Andrew Black, M-I-C-H-A-E-L  
17 A-N-D-R-E-W B-L-A-C-K.

18 Q And, Mr. Black, throughout this time,  
19 you'll hear me reference Lyric -- Lyric Opera of  
20 Chicago also known as "Lyric." So I might shorten it  
21 here and there, but just know at all times I'm  
22 referring to Lyric Opera of Chicago.

23 A Got you.

24 Q Understood?

1           A     Yes.

2           Q     Do you understand that you're being deposed  
3     in the matter of Steyer and Poock versus Lyric Opera  
4     of Chicago?

5           A     Yes.

6           Q     In this deposition I'm going to be asking  
7     you a few questions, and you're going to be answering  
8     them under oath.

9                     Do you understand this?

10          A     Yes.

11          Q     Is there any reason, such as being under  
12     the influence of any substance, that would prevent  
13     you or limit you from giving truthful answers here  
14     today?

15          A     No.

16          Q     Since this is an oral transcript, the court  
17     reporter cannot indicate head nods or gestures.  
18     Every answer needs to be verbal.

19                     Do you understand this?

20          A     Yes.

21          Q     In the event you do not understand my  
22     question, simply ask me to repeat it or rephrase it.  
23     I will gladly do so. In the event you do not, I'm  
24     going to assume that you understand my question.

1 Do you understand this?

2 A Yes.

3 Q Have you ever been deposed before?

4 A No.

5 Q Where do you currently reside?

6 A The full address?

7 Q You can just say the city and state if you  
8 feel comfortable --

9 A Chicago, Illinois.

10 Q And who do you currently reside with?

11 A Myself.

12 Q And your highest level of education,  
13 Mr. Black?

14 A Masters degree.

15 Q And exactly where did you obtain your  
16 bachelor's degree?

17 A Bachelor's degree was in Sydney, Australia,  
18 at the Sydney Conservatory of Music, and masters  
19 degree from University of New South Wales.

20 Q And exactly what did you get your degrees  
21 in?

22 A First bachelor's degree was music --  
23 bachelor of music education. Then postgrad in piano  
24 accompaniment, and then a masters in musicology.

1           Q     And do you recall the years that you  
2 graduated?

3           A     Bachelor's degree was 1989 graduation. The  
4 graduate was 199- -- sorry. 1990. It was a one-year  
5 graduate degree. And then the masters, I believe,  
6 was 1994. I could be a year out with that one.

7           Q     And do you recall your first job after your  
8 masters degree?

9           A     I was employed at that time by Sydney  
10 University as a vocal lecturer, also a part-time  
11 lecturer in musicology, and a piano accompanist for  
12 vocal lessons at the Sydney Conservatory of Music.

13          Q     And you gave us your titles.

14                   How long were you with the University  
15 of Sydney?

16          A     So I started employment there in 1990, and  
17 I was there until 1997, December of 1997.

18          Q     And do you recall when you started in 1990,  
19 which month?

20          A     No.

21          Q     And you said -- what were you were doing?  
22 Vocal -- private vocal lessons, or is this something  
23 through the university?

24          A     Something through the university. So they



1 employed me to go from studio to studio playing piano  
2 for vocal lessons where the singers come in and learn  
3 their technique.

4 Q And, to be clear, that is the University of  
5 Sydney, correct?

6 A Yes. So the University of Sydney was  
7 amalgamated with the Sydney Conservatory of Music in  
8 1989.

9 Q And, once you left there, where did you go  
10 next -- after you left the University of Sydney?

11 A I was employed in 1997 as the assistant  
12 chorus master at Opera Australia.

13 Do I go on from there?

14 Q Give me two seconds.

15 A Oh. Sorry.

16 Q And how long would you hold that position?

17 A So, I believe, first of December 1997 until  
18 roughly 1999 when I became the acting chorus master  
19 at Opera Australia, and then the chorus master at  
20 Opera Australia in January 2001.

21 Q To be clear, you was the acting chorus  
22 master from 1999 until 2000 when you became the  
23 full-time chorus master?

24 A Exactly. Yes.

1 Q Okay.

2 A 2001.

3 Q And prior to the -- 1999, between  
4 December 1, 1997, through 1999, what was your role at  
5 the time?

6 A I'm sorry. Can you repeat that?

7 Q What was your first title at the University  
8 of Sydney under the chorus master? No. I'm sorry.  
9 Opera of Australia.

10 A Opera Australia.

11 So my first employment at Opera  
12 Australia was as a part-time répétiteur.

13 Q Okay.

14 A Piano play in 1996, I'm going to say, maybe  
15 1995, which then led to them offering me the  
16 assistant chorus master job in 1997. I sti- -- I was  
17 still working at the Sydney University in conjunction  
18 with Opera Australia for maybe '95, '96.

19 Q No problem.

20 A I was trying to put together a livelihood.

21 Q And then, once you maintained that acting,  
22 you eventually was promoted to the full-time chorus  
23 master -- correct? -- back in 2000?

24 A 2001.

1 Q '01?

2 A January of 2001.

3 Q And how long did you maintain that

4 position?

5 A Until 2011. I came here for an interim

6 chorus master position for perhaps seven months.

7 Then I went back to my position at Opera Australia in

8 2012. And then I came to Chicago for the full-time

9 position as chorus master in 2013.

10 Q And, just to clarify the record, when you

11 say "came here," you're referring to Chicago?

12 A Chicago. Yes.

13 Q And you're also referring, you was wor- --

14 you was an employee of Lyric Opera?

15 A Exactly.

16 Q And where do you currently work now?

17 A I currently work at Lyric Opera in Chicago.

18 Q And, as of today, do you know how many

19 years you have with the company?

20 A I'm sorry?

21 Q As of today, do you know how many years you

22 have with the company?

23 A Six years as the full-time chorus master

24 now.

1 Q And what is your current title?

2 A Chorus master.

3 Q And, as long as you've been an employee at  
4 Lyric Opera, have you maintained the same title?

5 A Yes.

6 Q And do you mind explaining to us today your  
7 interview process prior to you being selected to work  
8 full-time at Lyric Opera?

9 A Yes. So it would have been September 2010.  
10 I received an e-mail from Bill Mason, who used to  
11 be -- I'm not sure of his title; I think it was the  
12 artistic director of Lyric -- asking me -- or telling  
13 me that I'd been -- my name had come up as a person  
14 of interest and would I be interested in applying for  
15 the full-time chorus master position in Chicago at  
16 Lyric. And, at which point, I said yes.

17 I was then flying across to Chicago  
18 in, I'm going to say, January 2011 for an audition  
19 process which involved auditioning and interviewing  
20 with the chorus, including the artistic director,  
21 Sir Andrew Davis; Bill Mason; and other management  
22 people. Then interviewing with Sir Andrew Davis and  
23 Bill Mason, and then coming to see performances. I  
24 believe there were six candidates drawn from all

1 around the world at that point. And I was offered  
2 the job at Lyric Opera of Chicago.

3 Q And do you recall the exact date when you  
4 was actually offered the position at Lyric?

5 A I don't.

6 Q Do you remember the year?

7 A 2011. Yeah.

8 Q And do you know the time frame, what -- the  
9 season at least?

10 A In -- it would have been March in  
11 Australia, so around March of 2011 the initial offer  
12 was made.

13 Q Okay. And, upon being hired at Lyric, were  
14 you introduced to the choir mem- -- the chorus  
15 members who were contracted during that particular  
16 season?

17 A Prior to? Could you -- I'm sorry.

18 Q Upon you being hired.

19 A Oh. Certainly not individually. No.

20 Q Upon being hired, what information was  
21 actually given to you about the current chorus  
22 members that were currently contracted for that  
23 particular season?

24 A None.

1           Q     So when do you actually meet the chorus  
2 members?

3           A     So I first met the chorus members en masse  
4 at the first rehearsal. It would have been August  
5 2011. And keeping in mind that was my interim season  
6 with Lyric Opera.

7           Q     What does the introduction consist of?

8           A     The introduction at that point would have  
9 been me walking into the room and starting a  
10 rehearsal and listening to them sing as a group.

11          Q     And at that time were you provided with any  
12 sort of roster or list of chorus members at the time?

13          A     Yes.

14          Q     And do you recall what information was  
15 actually on that roster?

16          A     Not specifically. However, the rosters  
17 traditionally include the names of all the chorus  
18 members and their specific voice types and whether  
19 they're a member of the Regular Chorus or the Core  
20 Supp. Chorus or the Supplementary Chorus.

21          Q     And that would be all the information  
22 contained in that particular document?

23          A     Sometimes there are smaller groups within  
24 the opera. So, if a small group has to go out on

1 stage or off stage to sing, that small group will be  
2 included on the same roster as well.

3 Q In any documentation given to you during  
4 your tenure at Lyric, is there any indication of how  
5 long a particular member has been employed with  
6 Lyric?

7 A No.

8 Q Is there any way that you can assess the  
9 seniority of any member of Lyric?

10 A I could ask for it, and it would be given  
11 to me. Yes.

12 Q And who would you ask in particular?

13 A At that point it would have been Stephanie  
14 Karr, the chorus administrator, the artistic  
15 administrator.

16 THE REPORTER: I'm sorry?

17 THE WITNESS: Stephanie Karr. I'm not sure of  
18 her title back then. For me, she was the chorus  
19 administrator.

20 BY MS. HALL-JACKSON:

21 Q And that's with a -- K-A-R-R, I believe?

22 A Yes.

23 MS. LANDON: Correct.

24

1 BY MS. HALL-JACKSON:

2 Q And, upon being hired, at what point did  
3 you become familiar with the CBA?

4 A Probably over the course of the first  
5 full-time season, which would have been 2013 onwards.

6 MS. CANTRELL: I'm going to object as to the  
7 formation of the question. Can we just clarify what  
8 you mean by CBA.

9 MS. HALL-JACKSON: Sure.

10 BY MS. HALL-JACKSON:

11 Q At what point did you become familiar with  
12 the collective bargaining agreement between Lyric and  
13 this union?

14 MS. CANTRELL: And, again, just for the record,  
15 can you clarify the union that Lyric contracts with?

16 THE WITNESS: AGMA?

17 MS. CANTRELL: Yes.

18 MS. HALL-JACKSON: Yeah.

19 So, do you need me to rephrase it, or  
20 are you okay with him answering?

21 MS. CANTRELL: I'm okay. You can answer.

22 THE WITNESS: So you -- sorry. Sorry.

23 MS. CANTRELL: Question repeated?

24 THE WITNESS: Just so we're clear, so we're



1     talking about the agreement between the chorus union,  
2     AGMA --

3             MS. HALL-JACKSON:   Yes.

4             THE WITNESS:   -- and Lyric --

5             MS. HALL-JACKSON:   Yes.

6             THE WITNESS:   -- correct?   Okay.   Thank you.

7                     I mean, I was aware of it in my  
8     interim year.   When I began as the full-time chorus  
9     master in 2013, I was more aware of it.   And, it was  
10    when I asked questions, people told me what was in  
11    the agreement or whether things had changed in  
12    negotiations or would be changing, et cetera,  
13    et cetera.

14    BY MS. HALL-JACKSON:

15             Q     And at some point are you provided also  
16    with a handbook provided by Lyric?

17             A     I'm sorry.   Can you repeat that, please?

18             Q     At some point during your tenure, are you  
19    provided with a handbook provided by Lyric, an  
20    employee handbook?

21             A     Ye- -- I remember there's a purple book.   I  
22    believe it was the union agreement.   That's what I  
23    believe it was.

24             Q     And, earlier, you indicated your current

1 title is chorus master, correct?

2 A Correct.

3 Q Do you know what your job duties and  
4 responsibilities consist of?

5 A I believe so.

6 Q Okay. I'll help you out.

7 MS. HALL-JACKSON: This will be Exhibit 1.

8 (Plaintiff's Exhibit

9 No. 1 was marked for

10 identification.)

11 MS. CANTRELL: So you're marking this  
12 Plaintiff's Exhibit No. 1?

13 MS. HALL-JACKSON: Yes.

14 BY MS. HALL-JACKSON:

15 Q Mr. Black, if you don't mind, if you can  
16 review the document in full and then just look up  
17 when you're ready.

18 A (Witness complied.)

19 Okay.

20 Q And, for the record, do you mind informing  
21 us exactly what is this document marked as Exhibit 1.

22 A This is the job description of the chorus  
23 master at Lyric Opera of Chicago.

24 Q And have you had an opportunity to review

1       this document in full?

2           A       Yes.

3           Q       Is this a -- fair representations of your  
4       duties as you've held over the last six years?

5           A       Yes. With a couple of small caveats.

6           Q       Sure.

7                   And would you like to explain is there  
8       something that's missing, or is there something on  
9       here that you do not actually do?

10          A       So, for example, where it says "Assistance  
11       with development of seasonal budgets for the chorus  
12       to ensure accurate reflection of rehearsal and  
13       performance scheduling requirements and  
14       cost-effective utilization of Chorister hours," I'm  
15       very involved with the chorus hours and very involved  
16       in the scheduling of the rehearsals, and I have  
17       nothing to do with the actual budgets per se when it  
18       comes to spreadsheets, pays, pay rates.

19                   It is just making sure we have enough  
20       music time and making sure, in conjunction with Lyric  
21       management, that that rehearsal time then fits into  
22       the budget of Lyric. But I don't put budgets  
23       together.

24          Q       Is there anything else that you know that

1     you do not do as a part of the listed job duties in  
2     this document marked as Exhibit 1?

3             A     No.   Everything else is accurate.

4             Q     And a part of your job duties include  
5     holding auditions for various chorus positions,  
6     correct?

7             A     Correct.

8             Q     Are there various voice types that you  
9     audition for?

10            A     Yes.

11            Q     Can you identify all the various voice  
12   types that you audition for the chorus at Lyric.

13            A     Yes.   So there -- the soprano voice type,  
14   which is broken up into Soprano I and Soprano II.  
15   There is the alto voice type, which is then broken up  
16   into Alto I and Alto II.   There's the tenor voice  
17   type, which is broken down to Tenor I and Tenor II.  
18   And there is the bass voice type, which is broken  
19   down into Bass I and Bass II.

20            Q     And do you mind -- you just identified the  
21   various voice types, and you indicated that there's a  
22   Soprano I and II.

23                   Can you tell us the difference between  
24   a Soprano I and a Soprano II.

1           A       Soprano I is someone traditionally who has  
2       all the attributes of a Soprano II, so, very, very  
3       strong middle voice, strong upper-middle voice.  
4       Plus, they traditionally have a couple of extra notes  
5       on the top. So they're a little bit higher.

6           Q       And what's -- strike that.

7                       What's the difference between the  
8       Soprano I and the Soprano II? You identified the  
9       Soprano I. What is the Soprano II? What do they do  
10      differently?

11          A       Traditionally, the Soprano II does --  
12      has -- doesn't -- sorry. Excuse me. Traditionally,  
13      Soprano II doesn't have the same top notes that a  
14      Soprano I has. So, whereas a Soprano I will have all  
15      the attributes of a Soprano II, the Soprano II will  
16      not have all the attributes of a Soprano I.

17          Q       And I'm not going to have you go through  
18      all of them, but, for the sake of this case, for  
19      Bass I and Bass II, what's the difference between a  
20      Bass I and Bass II?

21          A       Bass I -- sorry. Bass II is a  
22      lower-voice-type than Bass I. So the strength of  
23      their voice lies in the bottom register of the bass  
24      register. A Bass I will be stronger at the top of

1     their voice.

2           Q     And, now that you identified all the  
3     various voice types, are there different levels to  
4     the chorus at Lyric?

5           A     There are different choruses at Lyric.  So  
6     there's the Regular Chorus --

7           Q     Uh-huh.

8           A     -- and then there -- which it --  
9     comprises --

10          Q     I know we use it interchangeably as  
11     tiers --

12          A     Ye- --

13          Q     -- but I don't want to say, if that's not  
14     how you're familiar with.

15                     Is that better?

16          A     I think -- yeah.  I -- tiers, even for me,  
17     is a -- it would be, like, there's something negative  
18     about some of them.  So there's just -- there's a  
19     Regular Chorus, which is, at the moment, 46 members,  
20     I believe, which is changing a little bit in the next  
21     couple of years.  Then there are 12 Core  
22     Supplementary choruses -- chorus members employed to  
23     supplement that Regular group, and then there is a  
24     Supplementary Chorus employed seasonally to

1 supplement whatever we need for the larger operas.

2 Q And, to be clear, is there a particular  
3 number that's maintained for the Supplemental [sic]  
4 group?

5 A No. That changes every season.

6 So there are some seasons where we  
7 will need -- so, for example, this season we need  
8 lots of Supplementary men, but we don't need -- I  
9 think -- I can -- I think we may be employing one  
10 Supplementary woman because of the repertoire that's  
11 chosen.

12 Q Are you familiar with Christine Steyer?

13 A I am.

14 Q And who exactly is Christine Steyer?

15 A Christine Steyer, when I first -- in my  
16 interim year at Lyric, was not employed at Lyric.  
17 When I began employment as the full-time chorus  
18 master she'd been employed by my predecessor in the  
19 Core Supplementary Chorus as a soprano.

20 Q And do you recall Ms. Steyer auditioning  
21 for you at any time during your time at Lyric?

22 A I do.

23 Q And, during the audition process, do you  
24 inquire about each candidate's prior work history?

1           A     During the audition process?

2           Q     Yes.

3           A     Not to my recollection.

4           Q     And so, as we sit here, could you let us  
5 know how the audition process go. I actually  
6 reviewed a document that says it goes in increments  
7 of six minutes at a time.

8                     Are they maintained at six minutes at  
9 a time?

10          A     No. Not necessarily. So sometimes they  
11 can be faster, sometimes they can take a lot longer.

12          Q     Okay. And exactly, when someone walks in  
13 the room, what exactly happens at that point?

14          A     Are you talking specifically about the Core  
15 Supplementary Chorus?

16          Q     The Core Su- -- is there -- I know there's  
17 different levels. So there's ways they can audition?  
18 I'm not sure. So if you can --

19                 MS. CANTRELL: Objection. That's misstatement  
20 of his testimony.

21                     You can answer if you understand, but  
22 use the language that you believe is correct in  
23 describing the choruses.

24                 THE WITNESS: I'm a little bit confused on



1     that.  I'm sorry.

2             MS. CANTRELL:  Sure.

3                     Okay.  Can we go off the record for a  
4     second.

5                             (A discussion was held  
6                             off the record.)

7     BY MS. HALL-JACKSON:

8             Q     During the audition process, exactly what  
9     happened when you are -- strike that.

10                     When a candidate walks in for the  
11     audition process, what happens once they walk into  
12     the room?

13             A     So the process is slightly different for  
14     three different types of choruses at Lyric.  For the  
15     Supplementary Chorus, they will traditionally walk  
16     in, sing one aria, and then walk out.  There's very  
17     little discussion.  There's very little anything  
18     else.

19                     When it's the Core Supplementary group  
20     and the Regular group of the chorus, they will then  
21     come in, and they have been asked to prepare two  
22     arias.  And I'll usually, traditionally, normally  
23     listen to the two arias.

24                     Sometimes, if I feel like they could

1 give something different again or perhaps perform  
2 better, I'll ask them would they like to perform it  
3 again. Sometimes I'll even work with them to see if  
4 I can get a better sound out of them.

5                   There is sometimes some discussion in  
6 the Core Supp. and the Regular auditions, and  
7 sometimes not.

8           Q     And, if there is a discussion, do you know  
9 what the discussion is about in general?

10          A     It will be directly associated with the  
11 performance they've just given.

12          Q     And, to be clear, that includes giving your  
13 comments on what needs to be worked on, what needs to  
14 be strengthened?

15          A     So in the actual audition I try not to give  
16 comments about things that I think should be worked  
17 on. I will sometimes work with them, with the things  
18 that I have in my mind, to see whether I can get a  
19 different outcome by trying different things to make  
20 them more comfortable, to give them a second chance.

21                   Every now and again a singer will say,  
22 "I'm really ill today. I'm sick today." And then I  
23 won't push it with them. I don't want them to feel  
24 pressured into trying something again.

1           Q     And, actually, during the audition process,  
2     what exactly is taken into consideration when you're  
3     reviewing each candidate?

4           A     Again, taking into consideration very  
5     different things for the Supplementary group, the  
6     Core Supp., and the Regular Chorus.

7                     So, for the Supplementary Chorus, you  
8     are -- we are looking for -- initially for -- to find  
9     voices to put in the Supplementary Chorus, and then,  
10    obviously, in conjunction with reading their résumés,  
11    seeing that they have experience working in an opera  
12    house before.

13                    With the Core Supplementary group, you  
14    are literally looking to supplement the Regular  
15    Chorus.  So, whatever the needs of the Regular Chorus  
16    are and what is not being given or met with the  
17    Regular Chorus, you are looking to fill those gaps  
18    with the Core Supplementary group.

19                    Core Supplementary group is quite a  
20    fluid group.  It's not a tenured group.  And so, if,  
21    for example, we need incredible top notes and we  
22    don't have them, we will find someone in a Core Supp.  
23    group who can do that, or particularly low notes in  
24    the alto section, et cetera, et cetera.  So their

1 job, their role, is to -- literally to supplement the  
2 Regular Chorus.

3 And that -- so the audition process --  
4 sorry. Not the audition process. The audition --  
5 what we're looking for during the audition changes  
6 every year, every two years, every three years,  
7 depending what the Regular Chorus...

8 Q If the candidate is a current or a former  
9 member of the chorus, is there prior experience taken  
10 into consideration?

11 A I'm sorry. Are we just talking about the  
12 Core Supplementary group or Regular group or anyone?

13 Q So -- anyone.

14 Say I was previously a member of the  
15 chorus and I was possibly in the Core Supplemental  
16 group. And then, after my audition, I was bumped  
17 down to the Supplemental group.

18 All right. Do you guys take into  
19 consideration their prior work history with the Lyric  
20 Opera before making a decision?

21 A Yeah. So, firstly, I -- there's no bumping  
22 down to any level. When people audition, they're  
23 assigned to where they will be most beneficial to  
24 Lyric.

1                   And yes. Obviously any work performed  
2   at Lyric in any capacity in the Regular Chorus or the  
3   Core Supp. or the Supplementary would factor into  
4   where they're best positioned.

5           MS. HALL-JACKSON: I'll have you actually  
6   repeat that.

7                   Do you mind reading that back when you  
8   have a chance?

9                                   (The last answer was read  
10                                  by the reporter.)

11          MS. HALL-JACKSON: Thank you.

12   BY MS. HALL-JACKSON:

13          Q     Do you recall Christine Steyer auditioning  
14   for you in the fall of 2013?

15          A     Yes.

16                                  (Plaintiff's Exhibit  
17                                  No. 2 was marked for  
18                                  identification.)

19          MS. CANTRELL: And this is Exhibit 2?

20          MS. HALL-JACKSON: Yes. And this is going to  
21   be considered Exhibit 2. It actually ranges from  
22   2013 to 2015, so we'll be using this for the next  
23   couple of minutes.

24          THE WITNESS: So may I ask a question?

1 MS. HALL-JACKSON: Sure.

2 THE WITNESS: Is this for my benefit here?

3 MS. CANTRELL: Uh-huh. We'll probably ask you  
4 to explain that. If Ms. Hall-Jackson doesn't, I  
5 will. I believe it's an error.

6 THE WITNESS: Okay. Yeah. That's -- just  
7 questioning that right there.

8 MS. CANTRELL: Uh-huh.

9 THE WITNESS: Okay. Yes.

10 BY MS. HALL-JACKSON:

11 Q So, Mr. Black, have you had the opportunity  
12 to review what's been marked as Plaintiff's  
13 Exhibit 2?

14 A Yes.

15 Q Okay. We're going to start with the first  
16 page, marked at the very bottom, says DEF 00063 in  
17 the right-hand corner?

18 A Yes.

19 Q And so what exactly is this document that's  
20 in front of you?

21 A This was a cri- -- this is a critique of  
22 Christine Steyer's audition in 2013.

23 Q And have you had the opportunity to review  
24 your -- well, strike that.

1                   Have you had the opportunity to review  
2   this document in full?

3           A     Yes.

4           Q     And have you had the opportunity to review  
5   the comments that's marked next to each bullet point?

6           A     Yes.

7           Q     And, based on this document, is it safe to  
8   say that this is the summary of your critique of  
9   Ms. Steyer during the November 9th, 2013, audition?

10          A     Yes.

11          Q     Based on your review of each of these  
12   bullet points, is there something in here in  
13   particular that is an indication on something that  
14   Ms. Steyer could work on?

15          A     So can you repeat that question again,  
16   please.

17          Q     Sure.

18                   Based on each bullet point listed  
19   here, if you look at them individually, is there any  
20   particular bullet point which indicates a performance  
21   improvement or a particular portion of her audition  
22   that needs improvement?

23          A     No.

24          Q     Okay. And why do you say that?

1           A       My recollection was that this was a good  
2   audition, taking into account she -- she would have  
3   been nervous. So anything even vaguely negative in  
4   this first audition, I would have put down to nerves  
5   or anything. So the two comments in here, "Some  
6   cautious singing at the top," that's not a criticism  
7   of anything. That's just an observation. "Some  
8   fluttering below the passaggio" --

9           THE REPORTER: I'm sorry. Some what?

10          THE WITNESS: What?

11          MS. HALL-JACKSON: You want me to show you?

12          MS. CANTRELL: Fluttering.

13          THE REPORTER: Fluttering.

14          THE WITNESS: Sorry.

15                   At that point I would have just put  
16   down to nerves.

17   BY MS. HALL-JACKSON:

18           Q       And, just to be clear, at the bottom of  
19   this document dated November 18, 2013, it says, "Best  
20   regards, Stephanie Karr," and it gives her title.

21                   Does that --

22           A       Which -- the November 18, 2013?

23           Q       Uh-huh.

24           A       Yes. Okay.



1           Q     And, if you go down to the bottom, you see  
2     Stephanie Karr's name listed?

3           A     I see her name.   Yes.

4           Q     Although Stephanie Karr's name is listed on  
5     this document, this is actually a summary of your  
6     actual comments, correct?

7           A     Correct.

8           Q     And Stephanie was just, as administrative  
9     assistant, drafting this for you on letterhead?

10          A     Correct.

11          Q     And, as far as you know, based on  
12     Ms. Steyer's fall 2013 audition, was she reengaged  
13     with Lyric?

14          A     Yes.

15          Q     And do you know what her title was for that  
16     following season based on her fall 2013 audition?

17          A     Core Supplementary member.

18          Q     And at any point do you guys consider their  
19     actual voice type in their title, or no?

20          A     She was listed on the roster as Soprano I  
21     in the Core Supplementary group.

22          Q     And is that the best way to state her  
23     title?

24          A     I think so.   Yes.

1 Q Okay. It's not a trick question.

2 A Yeah. No. I'm just trying to think if  
3 there's another title that -- I'm -- as far as I'm  
4 aware, that's the title for Christine.

5 Q And, if you go to the second page, which is  
6 marked in the right-hand corner at the bottom  
7 DEF 00064, could you look at this document.

8 A Yes.

9 Q And what exactly is this document?

10 A I believe this is the letter from Lyric  
11 letting Christine know that she will be re- -- she  
12 will be offered reengagement as a Core Supplementary  
13 at Lyric for the following season.

14 Q And that was based on the fall 2013  
15 audition, correct?

16 A That was based on the November 9th  
17 audition. Yes.

18 Q And then, going to the next page, which is  
19 at the right-hand corner marked DEF 00065 --

20 A Yes?

21 Q So excited to get there.

22 Do you mind reviewing this document.

23 A Yes.

24 Q And what exactly is this document?

1           A     This is a letter of engagement for the 2015  
2     and 2016 season.

3           Q     For which employee?

4           A     Christine Steyer.

5           Q     Thank you.

6                     And is there any particular reason  
7     there's no comments for 2014 listed prior to this  
8     particular document?

9           A     For this, I'm actually not too sure. I --  
10    maybe there was no audition held that year. I'm not  
11    quite sure of the timeline.

12          Q     Sure.

13                     And, if she was reengaged in 2013 as  
14    the Core Supplementary Chorus, would she have to  
15    reaudition the following year?

16          A     I'm not entirely sure. Sometimes the Core  
17    Supplementary Chorus is auditioned every two years.

18          Q     Okay.

19          A     So...

20          Q     And do you recall Ms. Steyer auditioning  
21    for you in the fall of 2015?

22          A     Yes.

23          Q     Okay. If you can, look at the following  
24    page, DEF 00066 in the right-hand corner.

1           A     Yes?

2           Q     And could you let us know exactly what is  
3 this document.

4           A     This is a critique sent or given to  
5 Christine of and following her October 9, 2015,  
6 reaudition.

7           Q     Do you recall anything in particular about  
8 this audition?

9           A     Yes.

10          Q     And what exactly is that?

11          A     So I was very surprised at this audition by  
12 things that had developed in Christine's performance,  
13 particularly the fact that the middle and lower  
14 middle range had flatness in pitch and that there was  
15 not a lot of sound in that particular area of the  
16 voice, which is a vital part of singing in an  
17 operatic chorus.

18          Q     And, based on what you just told us now, is  
19 that reflected in your comments listed by each bullet  
20 point?

21          A     Yes.

22          Q     And, when you review each one of these  
23 bullet points, is there anything in particular that  
24 you consider a suggestion of what she can work on?

1           A     Yes. The intonation issues involving  
2 flatness --

3           Q     And --

4           A     -- and --

5           Q     I'm sorry.

6           A     -- also particularly the sound quality when  
7 the voice was off the breath or not supported, the  
8 second to last bullet point.

9           Q     Perfect.

10                     If you can just count the bullet  
11 points for me and then let me know which ones are  
12 you're referring to, that would be helpful.

13          A     Sure.

14                     Oh. I'm sorry. Bullet Point 3,  
15 Bullet Point 4 -- excuse me. And Bullet Point 2.

16          Q     And 2?

17          A     Yes. Excuse me, please.

18          Q     Do you mind reading into the record what  
19 exactly Bullet Point 2 states.

20          A     "Vibrato was spinning when voice was  
21 connected to support, which was inconsistent."

22          Q     What exactly does at that mean?

23          A     So when the operatic voice is connected to  
24 the breath -- or some people call it supported -- the

1 vibrato will be a very naturally occurring function.  
2 When it's not supported, the vibrato becomes either  
3 incredibly wobbly or less consistent, and that's when  
4 problems come with things like intonation or flatness  
5 or the core of the sound is compromised.

6 Q And you indicated that Bullet Point 3 also  
7 is an indication of some suggestive work.

8 Could you tell us what No. 3 says.

9 A Would you like me to read it?

10 Q Sure. If you want to just give us a  
11 summary, that works as well.

12 A Sure.

13 So some intonation issues involving  
14 flatness. This was most notable in the middle to  
15 lower middle range, and is problematic for choral  
16 compatibility. Most of the choral writing for most  
17 of the opera sits in the registers I'm discussing  
18 here, and the fact that there were issues involving  
19 flat singing is a huge problem for choral  
20 compatibility.

21 Having a member of the chorus sing out  
22 of tune is one of the first most basic things a  
23 choral director or chorus master will look for.

24 Q So can we correlate flatness with being out

1 of tune?

2 A Yes.

3 Q And then, for the fourth bullet point, you  
4 said that was also one of concern.

5 A Yes. When the voice was off the breath,  
6 the sound quality didn't have much core. That  
7 indicates that, in my opinion, the voice was not  
8 supported by the breath, and therefore it didn't have  
9 much operatic sound to offer.

10 Q And based on your review, as of today as  
11 you sit here and looking at this comments sheet,  
12 would this person be ideal for your chorus for the  
13 next season?

14 A Not for the Core Supplementary Chorus. No.

15 Q And do you know why?

16 A Because of the reasons we just mentioned:  
17 there's a flatness, the lack of core of the sound.  
18 Yeah.

19 Q And is this a one-time thing? Like, you  
20 hit it or quit it that day? You get it right or you  
21 don't? Is there other things that's taken into  
22 consideration besides this one-day performance?

23 A So, yes. It is an audition, and in the  
24 arts auditions are paramount. But, at that point, I

1 decided that Christine should be given another  
2 audition later on to see if she could improve these  
3 things.

4 Q And, based on your recollection, was  
5 Ms. Steyer reengaged in the Core Supplemental group  
6 after the 2015 audition?

7 A No. She was not.

8 Q Was she reengaged by Lyric at all?

9 A Yes, she was.

10 Q Okay. And do you recall what position she  
11 was reengaged in?

12 A In the Supplementary Chorus.

13 Q And was that based off this particular  
14 audition?

15 A So this particular audition also, in my  
16 mind, doubles as an audition for any role that's  
17 going to Lyric. And, just because she was not  
18 considered for the Core Supplementary Chorus that  
19 year, doesn't mean that she would just -- or not  
20 included for consideration for the Supplementary  
21 Chorus.

22 Q And, just to be clear, do you know if she  
23 was offered a position at all after the fall of 2015,  
24 prior to her reaudition?



1           A     I'm sorry. I'm a little confused now.

2           Q     Okay. So I'll ask this question first.

3           A     Yes?

4           Q     Do you know if she was able to reaudition

5     in the following spring?

6           A     Spring?

7           Q     2016.

8           A     So this is '15.

9                     So I believe she auditioned in --

10    yeah. It would have been March 2016 --

11          Q     Correct.

12          A     -- I believe.

13          Q     And so, prior to her audition in March of

14    2016, did she have a position between, I guess,

15    November and March?

16          A     Oh, okay. So she was still employed in the

17    Core Supplementary Chorus between -- what is it? --

18    October and March of the next two years.

19          Q     Okay. She was still considered an employee

20    of Lyric, correct?

21          A     Yes. Correct.

22          Q     Just not for the following season, which

23    was --

24          A     Just not for the following season. Yes.

1           Q     Did she have -- at that point was she  
2     offered a role at all for the following season prior  
3     to the reaudition?

4           A     No. The offer came -- oh, hang on. I'm  
5     actually not sure. I believe the offer came after  
6     the next audition.

7                                 (Plaintiff's Exhibit  
8                                 No. 3 was marked for  
9                                 identification.)

10           MS. HALL-JACKSON: Is that 3?

11           THE REPORTER: Yes.

12           MS. HALL-JACKSON: Okay.

13           MS. CANTRELL: Just to confirm, is this  
14     Exhibit 3?

15           MS. HALL-JACKSON: Yes. I'm sorry. I thought  
16     you heard us.

17     BY MS. HALL-JACKSON:

18           Q     Have you had the opportunity to observe and  
19     read what had been marked as Plaintiff's Exhibit 3?

20           A     Yes.

21           Q     And what exactly is this document?

22           A     This is a document sent to Christine  
23     inviting her to a callback round of auditions in  
24     March of 2016.

1           Q     And who makes the decision whether or not  
2 someone of the chorus can come back and reaudition?

3           A     Me.

4           Q     Is this your sole decision, or this is a  
5 group decision?

6           A     At this point this was me. That was my  
7 decision.

8           Q     We're going to use Exhibit 3 and 4 at the  
9 same time. Give me a minute.

10                                 (Plaintiff's Exhibit  
11                                 No. 4 was marked for  
12                                 identification.)

13 BY MS. HALL-JACKSON:

14           Q     Before I ask you my next question, have you  
15 had the opportunity to observe what has been marked  
16 as Plaintiff's Exhibit 4?

17           A     As in have I just read this?

18           Q     Have you had a chance to just review. You  
19 don't have to read it all. Just, have you --

20           A     I can see it. Yes.

21           Q     Okay. And do you know what the title is of  
22 that particular document?

23           A     Yes.

24           Q     And what exactly is that?

1           A     It is a basic agreement between Lyric Opera  
2 of Chicago and AGMA.

3           Q     And this is also known as the CBA?

4           A     I believe so.

5           Q     And, if you can, turn to the bottom where  
6 it says page 52 in the mid- -- in the center. And,  
7 then, in the right-hand corner it says 00182?

8           A     Yes.

9           Q     If you can, Section 5.16, could you just  
10 review that for me.

11          A     (Witness complied.)

12          MS. CANTRELL: Could we go off the record for a  
13 second.

14                               (A discussion was held  
15                               off the record.)

16          THE WITNESS: Do you --

17 BY MS. HALL-JACKSON:

18          Q     I'm going to ask you a whole bunch of quick  
19 questions, so you don't have to memorize it.

20          A     All right.

21          Q     Just based on your understanding of what  
22 you reviewed, as the chorus master, if someone has  
23 one or more years of experience, do you have the  
24 right to not allow them to reaudition if they didn't

1 have a great audition in the fall?

2 A This is for Regular choruses -- Choristers,  
3 not for Core Supp. Choristers.

4 Q So, at the time, she would have been  
5 Core --

6 A Exactly.

7 And my understanding is that she's not  
8 covered by this.

9 Q Okay. And when they say probationary year,  
10 what exactly is that?

11 A Again, referring to Regular Choristers.

12 Q If you turn to 54.

13 A Yeah. Uh-huh?

14 Q Now, we're really just looking at one.

15 Just for the record, we're looking at  
16 Section 5.17: Re-audition for Core Supplemental  
17 Choristers and Supplementary Choristers.

18 A Uh-huh.

19 Q And, if you can, just hold that page but go  
20 back to the first page for clarification.

21 This is the agreement between Lyric  
22 Opera of Chicago and American Guild of Musical  
23 Artists from July 1st, 2015, through June 30th, 2018,  
24 correct?

1           A     Yes.

2           Q     Okay. And based on clause (a) -- well,  
3     Section 5.17(a), it indicates that if someone had  
4     auditioned that you felt was fewer than 50 percent,  
5     is it safe to say, based on your review of what has  
6     been marked as Exhibit -- sorry -- 2, which is  
7     Ms. Steyer's 2015 critique, that she was at less than  
8     50 percent?

9           A     I'm actually not aware if she was less than  
10    50 percent.

11          Q     Okay. So, on this, would you -- this one  
12    would be -- how do you guys determine if someone's  
13    fewer than 50 percent?

14          A     When I say I'm not sure, it's because I'm  
15    not sure what the repertoire was. I'm not sure which  
16    operas she was -- be in that season, which ones she  
17    wasn't. So I don't know if it was less than 50.

18          Q     Okay. So, to be clear, it's not based on  
19    their audition; it's based on their performance of  
20    the previous year?

21          MS. CANTRELL: I'm going to object to the form.  
22                    You can answer if you understand the  
23    question.

24          THE WITNESS: I'm very confused right now. I'm

1       sorry.

2               MS. HALL-JACKSON:  No problem.

3               THE WITNESS:  Yeah.

4       BY MS. HALL-JACKSON:

5               Q       So (a) is indicating -- Section 5- --

6               A       Yep.

7               Q       -- .17, Section (a), indicates that if, in  
8       the prior productions or performance the individual  
9       Chorister that's in the Core or the Supplementary  
10      section perform fewer than 50 percent, that they have  
11      a right to be called in for an audition, correct?  
12      For reaudition?

13              A       Yes.  So I'm just going to say audition  
14      lists are put together for me.  Like, the Core Supp.  
15      audition list is put together for me, and then I  
16      audition them.  I'm...

17              Q       So this is -- so to -- the previous year  
18      and their performances, correct?

19              A       Yes.  Well, this is -- this is the  
20      agreement.  So this is what it is.

21              Q       Okay.  So, based on your critique and your  
22      decision not to engage -- reengage her in the Core --

23              A       Yes?

24              Q       -- that was not based on her previous

1 performance the previous year?

2 A It was based on her audition.

3 Q Okay. Solely on her audition, correct?

4 A Yes.

5 Q Solely on her audition. Okay.

6 Besides yourself, do you recall anyone  
7 else being in the room in the spring of 2016 when you  
8 auditioned the chorus?

9 A I believe Stephanie Karr was in the room.  
10 Beyond that, I'm not -- I can't remember -- recall.

11 Q Is it custom to have a --

12 A I was just going to say, oftentimes the  
13 union representatives are in the room also, and that  
14 more than likely would have taken place.

15 Q And, as a result of the spring 2016 au- --  
16 well, strike that.

17 Did Ms. Steyer reaudition in spring of  
18 2016?

19 A She did.

20 Q And, as a result of that, was she reengaged  
21 with Lyric?

22 A Yes, she was.

23 Q And do you know what capacity she was  
24 reengaged?



1           A     In the Supplementary Chorus.

2           Q     And what's the difference? You explained  
3     it earlier, but what would have been the difference  
4     for her if she went from the Core to the Supplement  
5     [sic]?

6           A     It depends on the repertoire chosen. So  
7     some years it can actually be about the same number  
8     of rehearsals and performances. Some years it will  
9     be considerably less. But never more than the Core  
10    Supp.

11          Q     Would you consider this a demotion?

12          A     No.

13          Q     And why not?

14          A     Because there's no progression either up or  
15    down between these choruses. People in the Regular  
16    Chorus audition; people in the Core Supp. audition;  
17    people in the Supplementary Chorus audition. And  
18    they're assigned as to where they are most  
19    utilized -- or best utilized I should say.

20          Q     And Ms. Steyer did perform the following  
21    season -- correct? -- as a part of this -- as a  
22    result of this reaudition?

23          A     I believe so.

24          Q     And she would have performed under your

1 leadership?

2 A Yes.

3 Q And did you notice a difference between  
4 Ms. Steyer's role in the Regular Chorus versus when  
5 she was in the Core?

6 MS. CANTRELL: Objection as to form of the  
7 question.

8 MS. HALL-JACKSON: Okay.

9 BY MS. HALL-JACKSON:

10 Q So in 2016 -- through the 2016 season  
11 through the 2017 season, she was reengaged, but she  
12 was in the Supplemental Chorus, correct?

13 A Correct.

14 Q And she had previously served in the Core  
15 Supplemental Chorus?

16 A Yeah.

17 Q Was there any significant difference that  
18 you noticed in her duties with this new role?

19 A Significant difference? I'm not quite sure  
20 of the question.

21 Q Sure.

22 Does she have to perform less? Does  
23 she have -- let's strike that.

24 Does she have to perform less now that

1 she was in the Supplemental Chorus?

2 A In that particular season, there were fewer  
3 operas for her to perform in.

4 Q So is that a "yes"?

5 A What's the original question? I'm so  
6 sorry.

7 Q Did Ms. Steyer have less roles -- well,  
8 less performances in the 2016 to 2017 season than in  
9 her prior seasons.

10 A I believe so.

11 Q Based on Ms. Steyer's overall work history  
12 under your leadership, would you say that during her  
13 time with Lyric she was performing satisfactorily?

14 A So I've never had an issue with her  
15 performance on stage. Her -- I've always found her  
16 to be consummate professional, very collegial, a very  
17 fine colleague, a very committed professional. The  
18 issue I had and have with her is her voice.

19 Q And was there also issue after the 2016 to  
20 2017 season?

21 A She auditioned, I'm going to say a few --  
22 at least a couple times after that point, and the  
23 same issues were still very prevalent.

24 Q And do you recall Ms. Steyer's last season

1 with Lyric?

2 A I believe the last opera she performed in  
3 at Lyric was Turandot.

4 Q And do you recall what season that would  
5 have been?

6 A Not off the top of my head.

7 Q Are you familiar with Martin Pooch?

8 A I am.

9 Q And who is Martin?

10 A Martin is a Chorister who was employed at  
11 Lyric. He was employed in the Core Supplementary  
12 group when I first began at Lyric.

13 Q So it's safe to say, prior to you coming to  
14 Lyric, Mr. -- Martin was already in that position?

15 A He was in that position when I arrived at  
16 Lyric. Yes.

17 Q And, at any time during your time at Lyric,  
18 did Mr. Pooch audition for you?

19 A Yes, he did.

20 Q And do you recall Mr. Pooch auditioning for  
21 you in the spring of 2013 -- I mean, fall of 2013?

22 A Yes.

23 Q Just for the sake of housekeeping, I'm  
24 going to backtrack to Steyer for one second.

1           A     Sure.

2           MS. HALL-JACKSON:   Which number are we on?

3           THE REPORTER:   5.

4                                       (Plaintiff's Exhibit  
5                                       No. 5 was marked for  
6                                       identification.)

7   BY MS. HALL-JACKSON:

8           Q     If you don't mind, can you look at this  
9   document that has been marked as Exhibit 5.

10          A     (Witness complied.)

11          Q     Prior to moving on to Mr. Poock, I asked  
12   you about Christine's last season.

13                       And is it safe to say that this could  
14   possibly have been her last season based on this  
15   document?

16          A     I honestly thought -- I'm just trying to  
17   remember when.  I -- I don't think so.

18          Q     Okay.

19          A     I believe she was in Turandot after this.

20          Q     After this?  Okay.  No problem.

21                       But is it safe to say that, based on  
22   this document, she was reengaged after her reaudition  
23   in March of 2016?

24          A     Yes.

1 Q Okay. Going back to Mr. Poock.

2 MS. HALL-JACKSON: Did I give you guys all a  
3 copy?

4 MS. CANTRELL: No. Not yet.

5 MS. HALL-JACKSON: I'm sorry.

6 (Plaintiff's Exhibit  
7 No. 6 was marked for  
8 identification.)

9 THE WITNESS: Yes?

10 BY MS. HALL-JACKSON:

11 Q Have you had the opportunity to look at  
12 what has been marked as Plaintiff's Exhibit 6?

13 A Yes.

14 Q And, on the first page, in the right-hand  
15 corner at the bottom, marked DEF 00024, what exactly  
16 is this document?

17 A This is the critique of Martin's audition  
18 on November 9th, 2013.

19 Q Is it safe to say that this is a summary of  
20 your comments, correct?

21 A Correct.

22 Q And could you review this -- the comments  
23 that you actually made.

24 A Yes.

1           Q     No.  You don't have to read it all out  
2     loud.

3                     I'm just asking, have you had the  
4     opportunity to read them.

5           A     I have.

6           Q     Okay.  And would you say -- what would you  
7     characterize this particular audition as?  Was it a  
8     good audition?  A bad audition?  Fair?

9           A     It was a fair audition.

10          Q     Okay.  And was there any particular point  
11     of concern based on the bullet points listed?

12          A     Yes.  The lack of strength in the lower  
13     register, where it says, "Lower notes were lacking."  
14     Also, the languages.  That would be the two main  
15     points.

16          Q     And to be clear, as we sit here today, as  
17     each person who auditions in the chorus and received  
18     these documents back, was expected to -- what are  
19     they expected to do once they receive this document?

20          A     They -- it's entirely up to them.  If there  
21     are points that display, like, room for improvement,  
22     I would expect them to work on those things.  
23     They're -- it's made abundantly clear to them they  
24     are welcome to come and talk to me about anything at

1 any point to get clarification, to be pointed in the  
2 right direction as to what exactly I'm after. But  
3 any action taken after they get these letters is  
4 entirely up to them.

5 Q And, just for clarification, what does it  
6 mean to have to small- to medium-sized voice?

7 A So on our audition sheets they're just --  
8 there are boxes we tick across or circle. And in  
9 Martin's case he had a small- to medium-sized voice.  
10 There's nothing negative or positive about that.  
11 It's just a fact.

12 Q And is there something positive or negative  
13 about the warm timbre?

14 A The warm timbre is -- that's a good thing.  
15 It's very -- it's a blendable type of sound, which I  
16 think I mentioned in Bullet Point 4.

17 Q And you indicated there's different things  
18 you guys can circle on this particular form, that  
19 you're going off of.

20 Does it range from small to large?

21 A I believe so.

22 Q And if you can turn to the next page. At  
23 the bottom, it's marked DEF 00025.

24 What exactly is this document?



1           A     That's offer of re- -- a letter saying that  
2     he will be offered reengagement at Lyric for the '14,  
3     '15 season.

4           Q     And --

5           A     As of Core Supplementary member.

6           Q     Thank you.

7                     And, then, if you go to the document  
8     marked as DEF 00027 --

9           A     Yes?

10          Q     -- dated November 25th, 2014.

11                     What exactly is this document?

12          A     That's a document notifying Martin that he  
13     won't be reengaged as a Core Supplement- -- Core  
14     Supplementary member of Lyric Chorus for the '16, '17  
15     season.

16          Q     And, if Mr. Poock actually auditioned in  
17     2013, was he up for reaudition in 2014 if he was in  
18     the Core?

19          A     I believe so, but that would be -- again,  
20     the lists are put together for me.

21          Q     Okay. I think this -- and, to be clear --

22          A     Was that --

23          Q     I think it might be an --

24          A     This maybe a typo?

1 Q -- error.

2 Yeah. Because he was reengaged.

3 A I believe he -- I believe they audition  
4 every two years, so it wouldn't be -- it would be  
5 '15.

6 Q Okay.

7 A Yeah.

8 Q So, just to be clear, as far as you know  
9 and recall here today, he was reengaged for the 2014  
10 to 2015 season?

11 A He was.

12 One moment. No. He was for the '14,  
13 '15 season.

14 Q Okay. And then -- so this particular  
15 document -- I think I recall this now, his -- from  
16 his deposition.

17 It says the season in which we're  
18 referring here is 2015 to 2016 season.

19 Is it safe to say in 2015 he wasn't  
20 reengaged based on his fall 2015 audition?

21 A Correct.

22 Q Okay. And if you go to -- I'm sorry -- the  
23 second to last page marked as DEF 00030.

24 A -30. Yes?

1 Q If you can look at this document here.

2 A Yes.

3 Q And you know exactly what it is?

4 A Yes.

5 Q What is that?

6 A That's his reaudition -- it's Martin's  
7 reaudition in October 2015.

8 Q And, based on your bullet points listed,  
9 how would you characterize this particular audition?

10 A An audition that puts into question his  
11 reengagement in the Core Supplementary Chorus.

12 Q What particular bullet points would signal  
13 that this is a concern about reengagement?

14 A Bullet Point 2, where Martin was  
15 inconsistently connected to the breath; Bullet  
16 Point 3, where the vibrato became more pronounced  
17 thus affecting the pitch; Bullet Point 4, more  
18 attention given to the diction; and Bullet Point 5,  
19 where his suitability as a strong second bass came  
20 into question.

21 Q When you say "bass-baritone quality of the  
22 voice," what exactly does that mean?

23 A That's an indication that the voice was --  
24 or is sitting a little higher than a very, very

1 strong second bass.

2 Q So, to be clear, earlier you went through  
3 the different voice types the Lyric maintains in its  
4 chorus.

5 Is there a position for a  
6 bass-baritone at Lyric?

7 A We have quite a few bass-baritones at  
8 Lyric, but there's no designated position for a  
9 bass-baritone. Many bass-baritones sing in a second  
10 bass section.

11 Q So just because one is a bass-baritone,  
12 does that automatically disqualify them to  
13 maintain --

14 A No. So in no way --

15 Q Let me finish, sir. I'm sorry.

16 A I'm sorry.

17 Q I want to get the question on the record.

18 A I see. I'm sorry.

19 Q So, if someone is the bass-baritone, that  
20 doesn't disqualify them automatically from performing  
21 as a bass too?

22 A No. And let me just clarify, with this  
23 reaudition letter here. I wasn't calling or  
24 categorizing him as a bass-baritone. I just said

1       that there's a bass-baritone quality to it.

2           Q       So what does that mean?

3           A       So -- so Martin is a second bass.

4           Q       Uh-huh.

5           A       He was auditioning as a second bass and  
6       looking to be reengaged as a second bass. My  
7       assessment of this particular audition and the  
8       audition before is that he is a second bass, but not  
9       a strong one. We need strong second basses with  
10      strong lower register to the voice -- registers to  
11      the voice.

12          Q       Did you say low registers?

13          A       Lower register.

14          Q       Oh.

15          A       Low.

16                    So he possesses quite a nice and  
17      useful voice within a certain voice range, which is  
18      generally associated with people who are more  
19      bass-baritone than Bass IIs, but he was not  
20      displaying the requisite and suitable strength in the  
21      bass to register.

22          Q       So it's safe to say Bass I is higher than  
23      Base II?

24          A       Correct.

1           Q     So could he have been moved to the Base II  
2 position?

3           A     He --

4           Q     I mean, Bass I position.

5           A     No.

6           Q     No?

7           A     No.

8           Q     So a bass-baritone is still higher than the  
9 Bass I and a Bass II?

10          A     Bass-baritone is higher than a Base II and  
11 lower than a baritone. So it's right in the middle.

12          Q     To be clear, we're talking about the  
13 baritone in the middle of both Bass I and II?

14          A     So, to be clear, it's working from the  
15 bottom, Base II, bass-baritone, baritone.

16          Q     Okay. And where did the Bass I go?

17          A     Baritone is Bass I.

18          Q     So is a bass a short phrase for baritone?

19          A     No. So baritone is a -- in the chorus they  
20 are listed on our roster as Bass I and II. And  
21 Martin is a Base II; never in question. His voice  
22 just sits a little bit too high to be a strong Base  
23 II.

24          Q     Thank you.

1                   As a result of what we see as the last  
2     page -- no. I'm sorry. We're going to go to the  
3     third to last page, which we reviewed -- the fourth  
4     to the last page. I do apologize. The November 28,  
5     2014, and, if you look at it, it says 2005-2016  
6     season -- 2015-2016.

7                   So we believe that that date should be  
8     November 28, 2015, correct? Or is this the right  
9     date?

10           A     I believe so, but I'm -- one minute. I'm a  
11     little confused with the dates here on this document  
12     marked 2017.

13           Q     So just to be clear, if he auditioned in  
14     October of 2015, we'll be now looking for -- this  
15     audition will go to dictate whether or not he has or  
16     will be reengaged for the 2016 to 2017 season?

17           A     If he auditioned in '15, that would be for  
18     the '16, '17.

19           Q     Okay. So then that would be the last one.  
20     I do apologize.

21                   And so, if you read the body of -- DEF  
22     00031 indicates that he will not be reengaged as a  
23     Core member, correct?

24           A     Correct.

1 Q And so this date says November 25th, 2014.

2 That should be November 25th, 2015?

3 A I -- I believe so. Yes.

4 Q Okay. And that was the result solely based  
5 on --

6 A The audition on October 9th, 2015.

7 Q Thank you.

8 And, as a result, was Mr. Poock  
9 invited to reaudition in the spring of 2015?

10 MS. CANTRELL: I'm sorry. Can you state that  
11 date again.

12 BY MS. HALL-JACKSON:

13 Q Was he -- I'm sorry. Was Mr. Poock allowed  
14 to reaudition in the spring of 2013 -- in 20- --  
15 spring of 2016?

16 A I believe he was invited to sing. Yes.

17 (Plaintiff's Exhibit  
18 No. 7 was marked for  
19 identification.)

20 MS. CANTRELL: For the record, this is Exhibit  
21 No. 7, correct?

22 THE REPORTER: Yes.

23 MS. CANTRELL: Thank you.

24 THE WITNESS: Yes?



1 MS. HALL-JACKSON: Okay. So do you need to  
2 take a break? No?

3 MS. CANTRELL: No. I was just -- I realized I  
4 wasn't sharing anything with Liz.

5 BY MS. HALL-JACKSON:

6 Q And so, Mr. Black, have you had an  
7 opportunity to review what has been marked as  
8 Plaintiff's Exhibit 7?

9 A Yes.

10 Q And what exactly is this document?

11 A This is an e-mail sent from me to Martin  
12 letting him know that he wouldn't be reemployed in  
13 the Core Supplementary Chorus.

14 Q And you also indicated that you hope this  
15 wouldn't be the end of his future collaboration with  
16 Lyric.

17 Was there opportunity for Mr. Poock to  
18 possibly work with Lyric but not be in the Core  
19 Supplement Chorus?

20 A There has been, yes. He's worked at Lyric  
21 since.

22 Q And do you know when you said that  
23 Stephanie Karr would be in contact with you shortly  
24 with an offer of work for you, do you know, at this

1 point exactly did you guys have an idea of what kind  
2 of work would be offered to him?

3 A Yes.

4 Q So, as you sit here today, what was going  
5 to be offered to him?

6 A I can't remember the exact operas, but I  
7 know, whatever operas we had on offer at that point,  
8 we were going to offer them to him.

9 Q And, as a result of the October 2015  
10 auditions, the letters went out sometime in November.

11 Would you guys -- you and Stephanie  
12 Karr reached out to the chorus overall for those who  
13 didn't perform well and offer a meeting in your  
14 office or anything like that?

15 A We always offered meetings to anyone who  
16 wants them.

17 Q And, in those meetings, is it traditional  
18 to have a union rep available?

19 A Yes.

20 Sorry. Let me just say -- let me  
21 re- -- the offer to have the union rep there is  
22 always there. I don't have to invite them.

23 Q And, for the most part, do they appear?

24 A For the most part.

1 MS. HALL-JACKSON: I believe this one's  
2 Exhibit 8.

3 THE REPORTER: Yep.

4 (Plaintiff's Exhibit  
5 No. 8 was marked for  
6 identification.)

7 BY MS. HALL-JACKSON:

8 Q If you can, Mr. Black, please look at this  
9 document.

10 A Yes?

11 Q And do you recall this meeting? Well,  
12 strike that.

13 What exactly is this document?

14 A This is a document that the union  
15 representative, Sherry Watkins, sent to Martin  
16 regarding her thoughts on the meeting that took place  
17 in my office.

18 Q And the e-mail is dated November 7th, 2015,  
19 correct?

20 A Correct.

21 Q And do you recall this meeting that took  
22 place in your office?

23 A I do.

24 Q And is this a summary of what was discussed

1 in your office that day?

2 A Mostly. I have no recollection saying that  
3 this audition was better than the last one.

4 Q Is there anything else that you don't  
5 recall?

6 A I -- I was always very clear not to say  
7 that Martin was a bass-baritone, but to say he -- his  
8 voice sits around that range a little more  
9 comfortably than the second bass range. But, yes,  
10 everything else -- yes.

11 Q And so here, if you go to the -- the  
12 sentence that started, "In March, all the positions  
13 will be known. At that time, your worst case  
14 scenario will be engaged as a Supplementary Chorister  
15 in 4 shows next season / best case scenario - Core  
16 Supplement Choristers in 6 shows."

17 Do you recall that?

18 A Correct.

19 Q And how would that be determined based on  
20 that conversation that you had on that day? What was  
21 going to --

22 A Yeah.

23 Q What needed to be determined from this  
24 point moving forward?

1           A     Sure.

2                         So I remember very distinctly saying  
3     at this point the worst case scenario will be that  
4     you will be in four operas the next season, or the  
5     best case scenario is six as a Core Supplementary  
6     Chorus. And, at that point, I made that commitment  
7     to employ Martin either as a Core Supplement  
8     Chorister. Or, if he wasn't going to be, I committed  
9     to use him in as many shows as I had for second  
10    basses. And at that point it was four shows.

11           Q     So what -- what will have to be determined?  
12    Whether it would be the worst case or best scenario?  
13    Was there something that was going to follow this to  
14    make a final determination?

15           A     So, yes. He needed to come and sing again  
16    to -- in -- I guess it was March of the following --  
17    we gave him the opportunity to come and sing again.  
18    And that will determine where he would be best  
19    placed.

20           Q     And, at that point, it was going to be  
21    either the worst case, four and best case, six?

22           A     At that point, yes. He would be reemployed  
23    in the Core Supplementary Chorus, which I was  
24    genually hoping. Or, at that point, looking at the

1 coming season we had four shows to offer the  
2 Supplementary Chorus.

3 Q So to be clear, for the record, this offer  
4 that's reflected at the November 7th, 2015, e-mail  
5 from Sherry to Martin is a summary of your  
6 conversation. And, in that summary, it is correct  
7 that at that point you guys were willing to give him  
8 worst case, four shows; best case, six shows, as a  
9 Core?

10 A So I definitely remember saying, "At this  
11 point, these are the two scenarios that will be on  
12 offer."

13 Q And was it made clear to Mr. Poock at that  
14 point that all this was based on his upcoming  
15 audition?

16 A Yeah. So we said we needed to hear him  
17 sing again, and then at that point we will be able to  
18 determine where he's best utilized.

19 Am I able to add something to that?

20 Q Sure.

21 A And I'm not quite sure whether you're going  
22 to ask this, but the chorus casting changed quite  
23 dramatically after that point. So I think it was  
24 even after his audition we needed far fewer

1     Supplementary Chorus members for that coming season.

2                     So. When we're talking in a fairly  
3     humane and hypothetical way in November 2015, the  
4     financial issues changed dramatically with Lyric, and  
5     we had fewer chorus positions for the Supplementary  
6     Chorus going in the next season, which is why, when  
7     the next audition was not successful, the four shows  
8     that we had hoped to give Martin was not the case.

9             Q     And, to be clear, for the record, did  
10    Mr. Poock reaudition in the spring of 2016?

11            A     He did.

12            Q     Do you recall anything regarding that  
13    particular spring, March -- strike that.

14                     Do you recall anything regarding that  
15    March 2016 audition with Mr. Poock?

16            A     I'm not quite sure of the ques- -- do I  
17    recall anything?

18            Q     Do you recall anything as you sit here  
19    today?

20            A     I remember him singing.

21            Q     Okay. And prior to him reauditioning in  
22    the spring of 2016, did he take private vocal lessons  
23    with you?

24            A     So, here, I'm not sure of the timeline. At

1 one point, during those seasons, I offer the chance  
2 for any Regular Chorus member and every Core Supp.  
3 member to come and have -- I think it was a 45-minute  
4 session with me, which Martin did.

5 Q And do you recall if Ms. Steyer also took  
6 advantage of --

7 A She did also.

8 Q And these are private sessions?

9 A They're at Lyric. They're part of work.

10 Q Well, when I say "private," are these  
11 sessions with only yourself and --

12 A Oh. I see what you mean. Yes.  
13 Absolutely.

14 Q Okay. So it wouldn't be Ms. Steyer and  
15 Mr. Poock at the same time?

16 A No.

17 Q They have individual attention?

18 A Exactly. Yes.

19 Q And do you recall anything in particular  
20 about Mr. Poock's private lesson with you?

21 A So we -- can we just go back one little  
22 bit?

23 Q Sure.

24 A When are we saying these took place?



1           Q     These took place, it would have been maybe  
2     between November of 2015 and sometime, I would say,  
3     February of 2016, before the March audition.

4           MS. CANTRELL:   If you recall.

5           THE WITNESS:   My recollection, it was before  
6     then.

7     BY MS. HALL-JACKSON:

8           Q     Okay.

9           A     I could be wrong.   But my recollection is  
10    that that didn't take place between the first  
11    unsuccessful audition and the second one, but I could  
12    be wrong.   But that's my recollection.

13          Q     Based off what you do recall, was there  
14    anything in particular --

15          A     Sure.

16          Q     -- that stood out to you regarding those  
17    private sessions?

18          A     Yes.   And this is why I think the timeline  
19    is different, because I remember Christine's was very  
20    favorable, very positive, which is why I was quite  
21    taken aback when she came in with that audition in  
22    2015.

23                     Martin's, on the other hand, was  
24    pretty much as his 2015 audition.   We talked about

1 the same things in that private session: the lack of  
2 lower strength, the languages.

3 That's why my recollection is that  
4 they took place before then, because I was surprised.

5 Q If someone's having problem with the  
6 language -- I understand you guys are Italian and  
7 French and things like that -- what is the suggested  
8 way to correct that?

9 A I mean, I would suggest they work with a  
10 language coach. Or at any point, if anyone asked me,  
11 I would be happy to help them with languages.

12 Q So you consider yourself fluent in both  
13 French and Italian?

14 A My pronunciation of French, German, Italian  
15 is --

16 Q Top notch?

17 A It's -- it's very good.

18 Q You can brag.

19 A Russian, a little less so.

20 Q And, when you do these private lessons,  
21 once again, would Stephanie Karr be in the room or  
22 anyone from AGMA?

23 A No.

24 Q Okay.

1           A     No. So these were optional sessions  
2     offered to chorus members. And, again, I don't have  
3     the actual timeline. After I first started in 2013  
4     and '14, I believe, if anyone wanted me to get to  
5     know their voices better, if they wanted to work on  
6     something that they're having issues with or they  
7     wanted to show off to me how good they were, it was  
8     an open campus. They could walk in, and they could  
9     honestly talk for 45 minutes if they wanted to. If  
10    they wanted to sign, they could work on something  
11    that they'd been working on successfully for years.  
12    It was entirely up to them.

13           Q     Okay.

14           A     In, like, no way, shape, or form did these  
15    take the place of auditions.

16           Q     Okay. And, as a result of the spring 2016  
17    audition, was Mr. Poock reengaged at Lyric?

18           A     No -- yes. Sorry. Yes, he was, in the  
19    Supplementary Chorus.

20           Q     Okay. And, in the Supplementary Chorus, do  
21    you know if there's any benefits offered to the  
22    Choristers?

23           A     As in health benefits?

24           Q     Yes.

1           A       I'm not aware.

2           Q       And in the Supplementary Chorus, are they  
3 at the lowest of the pay scale as far as it goes up  
4 to Supplement, Core and Regular?

5           A       Yes. I became aware of that in Martin's  
6 interview.

7           Q       And, once again, when Mr. Poock was no  
8 longer reengaged in the Core Chorus, was that  
9 considered a demotion?

10          A       No.

11          Q       And why do you say that?

12          A       Exactly the same reasons that Christine's  
13 was not.

14          Q       You want to -- is that your last answer?

15          A       The -- so the Regular Chorus, the Core  
16 Supp., and Supplementary Chorus all audition. And as  
17 a basis -- as a result of these auditions they are  
18 placed where they're best utilized in the Lyric  
19 Chorus.

20          Q       And was there a difference in Mr. Poock's  
21 role at Lyric after he was no longer in the Core and  
22 moved to Supplemental?

23          A       He was employed for fewer operas.

24          Q       Did his position within those operas that

1 he did get to engage in, did that change at all?

2 A I believe -- there was an instance, for  
3 example, in Trojans where there was a smaller group  
4 of men who came out on stage and sang at a certain  
5 time, and that was made up entirely of Regular and  
6 Core Supp. men. So he was not part of that.

7 Whether he would have been chosen for  
8 that group, I'm not sure. Because not every Core  
9 Supp. man was chosen for that group anyway. So...

10 Q If I tell you, as I sit here today, that  
11 five of the six were actually chosen and Mr. Poock  
12 was the only one not chosen, do you have a reason why  
13 that happened?

14 MS. CANTRELL: Objection. Can you clarify what  
15 we're speaking about. Chosen for what?

16 BY MS. HALL-JACKSON:

17 Q I believe you said Trojan?

18 A I did.

19 Q Yes.

20 MS. CANTRELL: Is there another name for  
21 Trojan?

22 THE WITNESS: Les Troyens.

23 So I'm not sure whether Martin -- and  
24 I'd have to look at the rosters now to know whether

1 Martin was in the Core Supp. or the Regular Chorus  
2 when it came to Troyens -- Trojans. I'm no s- --

3 BY MS. HALL-JACKSON:

4 Q In the event that he wasn't, is there a  
5 particular reason why, out of six, five was chosen  
6 and he was the only one not chosen?

7 A I'm sorry. So you're saying he was in the  
8 Core Supp. for that.

9 Q He was not. I believe he wa- -- I'm sorry.

10 A So my recollection is that, by the time  
11 Trojans came around, Troyens came around, Martin was  
12 no longer reengaged in the Core Supp., that he was  
13 engaged as a Supplementary member. My recollection  
14 is that the person who replaced him in the Core Supp.  
15 was in that small group.

16 Q And exactly who replaced Mr. Pooch?

17 A Christopher Filipowicz.

18 Q And could you spell Christopher's last  
19 name?

20 A No.

21 Q Do you know what it starts with, the first  
22 letter?

23 A F.

24 Q Okay. "Christopher F.," we'll call him

1 today.

2 THE WITNESS: Do you have the roster?

3 MS. CANTRELL: Roster? I think so.

4 THE WITNESS: I think I could answer this --

5 MS. HALL-JACKSON: You want to take a break?

6 THE WITNESS: No. No. I could answer this  
7 very quickly with the roster.

8 MS. HALL-JACKSON: Oh. Okay. We can take a  
9 pause.

10 Off the record.

11 (A discussion was held off  
12 the record.)

13 BY MS. HALL-JACKSON:

14 Q Do you remember the question?

15 A Yes. So, if it's this small group in  
16 Troyens that we're referring to, only the Regular and  
17 the Core Supp. were used in that smaller group on  
18 stage. And at that point Martin was a Supplementary  
19 Chorus member, not a Core Supplementary Chorus  
20 member.

21 So the other Core -- sorry -- the  
22 other Supplementary Chorus people, Dan Richardson,  
23 Wilbur Pauley, and Kirk Greiner, I'm almost positive  
24 were not a part of that small group on stage. There

1     were five others.

2           Q     And that is during which season are you  
3     referring to?

4           A     This is 2016, 2017.

5           Q     Okay. During your time at Lyric, was there  
6     ever a vacancy for a Bass II in the Regular Chorus?

7           A     Yes.

8           Q     And do you recall what time frame that may  
9     have been?

10          A     There's one last season -- or this current  
11     season. I believe there's only been one other second  
12     bass employed since I've been there into the Regular  
13     Chorus.

14          Q     And -- say that one more time.

15          A     I believe there's only been one -- apart  
16     from this season, I believe there's only been one  
17     instance where there has been a second bass employed  
18     into the Regular Chorus.

19          Q     And do you recall what time frame that may  
20     have been?

21          A     I would have to look.

22          Q     Was Martin Poock still avail- -- I mean,  
23     still employed at Lyric at the time?

24          A     Definitely.



1           Q     And Mar- -- was this particular vacancy  
2     publicized?

3           A     No. What the -- hang on. Let me just --  
4     maybe. Maybe.

5                     Every season there's a brochure and an  
6     e-mail that goes out to singers saying, "We are  
7     looking for Regular through to Supplementary Chorus  
8     members. So please apply."

9                     So then -- and oftentimes, when that  
10    brochure goes out, which is usually December, we  
11    don't have any idea as to the specific voice types  
12    we're going to be looking for in the Regular Chorus  
13    because the Regular Chorus don't sign their contracts  
14    until February of the next year, after that  
15    advertisement has gone out.

16          Q     Do you recall -- are you finished? I'm  
17    sorry.

18          A     So, when that advertisement would have gone  
19    out for the season where the second bass needed to be  
20    employed, we would have had no idea that we were  
21    looking for a second bass at that point.

22          Q     What about in the event that a second bass  
23    was retiring? Would that then now open up maybe just  
24    certain auditions for only that particular role?

1           A       So even in that instance, when a second  
2       bass retires, they don't sign their contract until  
3       the second week of February, after the  
4       advertisement's gone out.

5           Q       Okay. So, based on what you're saying here  
6       today, there would be no particular audition held for  
7       one particular vacancy, even if it's based on  
8       someone's retirement?

9           A       Oh, no. There is. I was answering the  
10      question about the advertisement.

11                   The audition happens in the second  
12      week of March. So we have Supplementary Chorus  
13      people auditioning. We have Core Supplementary  
14      people auditioning for this position. So anyone  
15      who's sung and then performs a good audition, we  
16      invite to a callback. It's like a second round of  
17      interview -- or final round.

18          Q       And that's for the vacancy in the Regular  
19      Chorus, correct?

20          A       Correct.

21          Q       And do you know if Mr. Poock had the  
22      opportunity to audition for this particular Bass II  
23      vacancy?

24          A       I cannot recall.

1           Q     Do you know if he was selected for the  
2     position?

3           A     He certainly wasn't selected for the  
4     position because I know the person who was  
5     successful -- the successful candidate.

6           Q     Okay.  So that's a no for Mr. Poock,  
7     correct?

8           A     Correct.

9           Q     And who was -- exactly was selected?

10          A     I believe it was Nik Wenzel.

11          Q     And can you spell his name for the record.

12          A     Sure.  N-I-K  W-E-N-Z-E-L.

13          Q     And do you know his age?

14          A     No.

15          Q     Do you know if he's less than -- he was  
16     less than 40 at the -- under the age of 40 at the  
17     time he was put in that position?

18          A     I have no idea.

19          Q     And, based on what you do know today, do  
20     you know if he was with Lyric more than a -- more  
21     than three years prior to him getting that position?

22          A     I remember at one point he was in the Core  
23     Supplementary Chorus.  I don't know how many years he  
24     was a Supplementary Chorus member before that, nor do

1 I know whether any of my predecessors employed him.

2 Q And, when making a decision to put someone  
3 in the Regular Chorus, résumé is taken into  
4 consideration, right?

5 A Correct.

6 Q So, although you don't recall today, it  
7 would have been taken into consideration during the  
8 selection time, correct?

9 A Correct.

10 Q And, to be clear -- and to the clarify my  
11 notes, you said Nik was in the Core prior to getting  
12 moved to the Regular?

13 A I believe so. I believe I would have to  
14 look at the rosters to clarify that.

15 Q No problem.

16 Is it safe to say that Nik is younger  
17 than Martin?

18 A I have no idea.

19 Q Okay. Do you know if Nik still holds this  
20 position today?

21 A Yes.

22 Q You indicated that there was a vacancy for  
23 Bass II in the current season.

24 Does that mean as of today's date

1       there is a vacancy for Bass II?

2           A       No.   There was a vacancy which was filled  
3       over the summer.

4           Q       During Mr. Pooock's time with Lyric, was he  
5       performing his job duties satisfactorily?

6           A       Similarly to Christine, he was always a  
7       good colleague, always very professional, always very  
8       collegial, very prepared.   And so in those regards,  
9       yes.   The issue I had was his voice and his  
10      suitability for the vocal type he was needed for.

11          Q       And do you recall Mr. Pooock's last season  
12      with Lyric?

13          A       So I know he didn't audition for this  
14      season, which is a shame.   But I do know -- I believe  
15      he sang last season.   I'll have to look at the  
16      rosters again.

17          Q       And when he did audition for the last  
18      season, was Mr. Pooock invited back to Lyric?

19          A       To my recollection, is, any time Martin has  
20      sung, he has been invited back to sing in the  
21      Supplementary Chorus.   Again, I'd have to look just  
22      to clarify that.

23          Q       At any time during Mr. Pooock's time at  
24      Lyric Opera, did you observe him wearing a hearing

1     aid?

2           A     Yes, I did.

3           Q     And when was that?

4           A     I believe it was in the coaching session we

5     did.

6           Q     With the private coaching?

7           A     I believe so.

8           Q     And are you guys -- well, strike that.

9                     How can you observe that? How did you

10    come about observing it?

11          A     Because you were in close proximity.

12          Q     And were you guys, like, sitting at the

13    piano or something like that?

14          A     So, often in a coaching session I'm sitting

15    at a piano and the singer's just facing me. Maybe

16    where the tissue box is there (indicating).

17          Q     And did you say something to him at that

18    point when you observed it?

19          A     No. I did not.

20          Q     And did that become a concern of yours?

21          A     No. Not at all.

22          Q     And did you share this information with

23    anyone else?

24          A     I did; with the chorus administrator,

1 Stephanie Karr.

2 MS. HALL-JACKSON: I believe we're on 9?

3 THE REPORTER: Yes.

4 (Plaintiff's Exhibit  
5 No. 9 was marked for  
6 identification.)

7 BY MS. HALL-JACKSON:

8 Q Now, when you sent out this -- well, strike  
9 that.

10 What exactly is this document marked  
11 as Plaintiff's Exhibit 9?

12 A It's a message from me to Stephanie Karr  
13 indicating that Martin Pooch wears a hearing aid.

14 Q And, to be clear, there's no subject.

15 The body of the e-mail talks about his  
16 hearing aid, correct?

17 A No. Exactly.

18 Q And it's dated Friday, January 8th, 2016 --

19 A Yes.

20 Q -- and it went out around 1:58 p.m.?

21 A Correct.

22 Q Okay. Was this shortly after your guys's  
23 session?

24 A I believe so. See, I -- I'm not sure what

1     date those sessions were.

2           Q     Okay.

3           A     So...

4           Q     Did Ms. Karr ever respond back to you?

5           A     No.

6           Q     Did she ever say something to you in --  
7     face to face?

8           A     No.

9           Q     Is it safe to say that this e-mail went out  
10    prior to Mr. Pooock's March 2016 reaudition?

11          A     Yes.

12          Q     And is it safe to say that this went out  
13    after his meeting with yourself and Sherry --

14          A     Yes.

15          MS. HALL-JACKSON:  -- the union rep?

16          MS. CANTRELL:  Watkins.

17    BY MS. HALL-JACKSON:

18          Q     Watkins.

19          A     Correct.

20          MS. HALL-JACKSON:  I was going to say Wagner.

21    BY MS. HALL-JACKSON:

22          Q     Was it a concern of yours that Mr. -- did  
23    it worry you that Mr. Pooock had a hearing aid?

24          A     Not at all.  Quite the opposite.



1           Q     And, based on your everyday knowledge of  
2     hearing aids, what do you know about hearing aids?

3           A     So, I have two family members who either  
4     wear or have worn hearing aids, and one who is  
5     profoundly deaf, so she was wears one all the time.  
6     So I'm very aware of her --

7           Q     She -- could you say that one more time? I  
8     didn't catch it.

9           A     Yeah. So I have three family members who  
10    wear hearing aids or who have worn hearing aids. One  
11    of them is profoundly deaf in one ear, and she lip  
12    reads, so I'm very familiar with it. I also have  
13    hearing loss in my left ear, and I've been offered a  
14    hearing aid for my left ear. I've had a profound  
15    loss in my left ear 10 years ago, but got most of my  
16    hearing back.

17                   So I'm very passionate about hearing  
18    when he comes to opera singers and what it means for  
19    them, and to optimize their work experience.

20                   So, for example, with Martin, after  
21    this, this, for me, is knowledge. I've tried to make  
22    sure that I spoke very clearly around him, that he  
23    was always facing me just in case it was an issue for  
24    him.

1                   I remember one time on stage giving  
2   notes to the gentlemen before a performance, and  
3   Martin was standing some way away and he had his back  
4   facing me. So I just made sure I spoke a little bit  
5   louder or some -- had him face me.

6                   I just wanted to make sure that his  
7   work experience was not compromised in any way  
8   because he had a hearing aid. So I wanted to make  
9   sure that he was as comfortable, or as I could be as  
10   clear as possible for him.

11           Q     And you just indicated in your testimony  
12   that you yourself was also offered a hearing aid.

13                   Did you take advantage of the use of  
14   that?

15           A     No. I've only -- no. I only have a small  
16   hearing loss in my left ear.

17           Q     Is there any particular reason why you  
18   didn't take up the offer to use one?

19           A     I feel as I can hear perfectly well with  
20   both ears going. If I had to block one ear or if I  
21   lost hearing in my right ear, I would definitely get  
22   one.

23           Q     Did this affect your decision to -- strike  
24   that.

1                   The idea that Mr. Poock wore a hearing  
2   aid, did that affect your decision to now reengage  
3   him in fewer operas after his March 2016 reaudition?

4           A     No.

5           Q     Okay. Per the CBA, each candidates that  
6   auditions in the fall should receive feedback within  
7   three weeks of their actual audition.

8                   Is this your common practice,  
9   Mr. Black?

10          A     If that's in the agreement, then yes.

11          Q     Is it fair to say sometime it might take  
12   more than three weeks? Or is it custom that within  
13   three weeks after an audition they will at least get  
14   their note -- their comments?

15          MS. CANTRELL: I'm just going to object as to  
16   foundation. I don't believe you've provided a  
17   document that states that.

18          MS. HALL-JACKSON: Sure. Give me two seconds  
19   to find that document. You have yours nice and laid  
20   out there. I can tell you what exhibit number that  
21   is. Give me two seconds.

22                   We are looking at Exhibit 4. I can  
23   tell you which one -- which page.

24                   For the sake of time, when you go

1 through your questions, I'll look to see if I see it.

2 MS. CANTRELL: Okay.

3 MS. HALL-JACKSON: So I'll start the  
4 question differently.

5 MS. CANTRELL: I mean, I --

6 MS. HALL-JACKSON: I'll start the --

7 MS. CANTRELL: Maybe willing, just to move this  
8 along, the language that you're looking at in  
9 Paragraph -- or, I'm sorry. Page 54.

10 MS. HALL-JACKSON: Okay.

11 Oh. No later than three weeks final.

12 BY MS. HALL-JACKSON:

13 Q Okay. So -- yeah. If you look at --  
14 Section -- I'm sorry. We're going back to Exhibit 4,  
15 which is already in the record known as the CBA dated  
16 July 2015 through June 2018. And, if you look at  
17 Section 5.17, and we're on the -- clause (e), if you  
18 can read that -- you can read to yourself.

19 A Yes.

20 Q You've already read it?

21 A Yes.

22 Q And based on that current CBA, each person  
23 that auditions in the fall -- and we're talking the  
24 Core Supplementary Choristers and the Supplemental

1 Choristers, so it looks like all Choristers -- within  
2 three weeks they are to receive their feedback based  
3 on their audition.

4 Is this your common practice?

5 A It also says "for Choristers not previously  
6 engaged by Employee -- by Employer," which I don't  
7 believe Martin was.

8 Q Okay. So on an average -- my question  
9 was --

10 A Oh. Sorry.

11 Q -- on an average, does it usually take  
12 about three weeks before they receive comments or  
13 some form of feedback regarding the audition?

14 A I believe so.

15 Q It could take longer sometimes?

16 A You know, I'm not actually sure --

17 Q Okay.

18 A -- to be honest.

19 MS. CANTRELL: Could we go off the record for a  
20 second.

21 (After a short recess, the  
22 deposition resumed as  
23 follows:)

24

1 BY MS. HALL-JACKSON:

2 Q So, to be clear, Mr. Black --

3 A Yes?

4 Q -- when someone auditions -- let's say in  
5 the fall, October -- within three weeks is it safe to  
6 say they usually receive their letter of  
7 nonengagement or reengagement?

8 A Yes.

9 MS. HALL-JACKSON: Okay.

10 He answered that in about two seconds.

11 BY MS. HALL-JACKSON:

12 Q So what exactly is going on in the  
13 background to determine whether or not they're going  
14 to be engaged or re -- not reengaged during that  
15 three-week period?

16 A Oh. Oftentimes it is a matter of  
17 administratively putting together their comments  
18 letters to make sure it's an accurate reflection of  
19 the auditions that took place.

20 Q So it's safe to say after each audition you  
21 kind of know who's going to be reengaged and who is  
22 not?

23 A Some thought is given to it. Every now and  
24 again I take a week to think about things.

1           Q     Besides yourself, who else makes the  
2     decision to reengage or not reengage a member of the  
3     chorus?

4           A     At this point, this is my decision.

5           Q     And overall, on a regular basis, is it  
6     solely you who makes the decision?

7           A     We -- when we have a regular position, we  
8     have -- I'm trying to think -- Andy Melinat will sit  
9     in on the auditions, who is the -- I'm not sure of  
10    his position entirely. The artistic -- he's a  
11    casting manager at Lyric.

12           THE REPORTER: What's the name?

13           THE WITNESS: Andy, A-N-D-Y, Melinat,  
14    M-E-L-I-N-A-T. He sits in on the Regular Chorus  
15    auditions.

16    BY MS. HALL-JACKSON:

17           Q     And -- but he's serving some kind of  
18    management role, correct?

19           A     Correct.

20           Q     Is anyone else that helps or makes the  
21    decision whether or not to reengage or engage chorus  
22    members?

23           A     No. That's my responsibility.

24           Q     You solely take full responsibility of

1       engaging each member or not engaging each member?

2           A       Correct.

3           Q       Okay.  Who creates the budget for Lyric  
4       Opera?

5           A       I think multiple people.  I'm not trying to  
6       pass the buck, but not me.

7           Q       Not you?

8           A       Yeah.

9           Q       Do you know how often the budget is  
10      created?

11          A       I do not.

12          Q       And would you know if the budget is  
13      reviewed several times throughout the year?

14          A       I don't know.  I would guess it would be.

15          Q       So have you ever been approached a few  
16      times out the years saying, "We need to adjust the  
17      budget"?

18          A       Every now and again, that is usually put in  
19      the form to me of we need to change the numbers of  
20      the chorus in particular shows.

21          Q       And do you know where each chorus member's  
22      personnel file is maintained?

23          A       Where it's maintained?  I do not.

24          Q       Over the years, you and your staff have



1 given out birthday cards, correct?

2 A Correct.

3 Q And how do you guys keep track of a chorus  
4 member's birthday?

5 A So I have the date, as in the day and month  
6 of Choristers' birthdays -- or I have in the past,  
7 and I do again now -- but not the year.

8 Q You have the date and month you said?

9 A Day and month --

10 Q Uh-huh.

11 A -- but not the year. And I have given out  
12 birthday cards based on that.

13 Q Is there any other way to keep track of  
14 someone's age based on your guy's relationship at  
15 Lyric?

16 A The only time I know anyone's age is if  
17 they tell me. There's no way I can possibly access  
18 people's age.

19 Q Okay.

20 (Plaintiff's Exhibit

21 No. 10 was marked for  
22 identification.)

23 BY MS. HALL-JACKSON:

24 Q If you can, Mr. Black, look through these

1 documents, and please just look up when you're ready.

2 A Uh-huh.

3 MS. HALL-JACKSON: And, Brad, is this 10?

4 THE REPORTER: Yes.

5 THE WITNESS: Yes?

6 BY MS. HALL-JACKSON:

7 Q What exactly are these documents?

8 A Birthday cards to Martin, 2013, 2014, and  
9 2015 --

10 Q Okay.

11 A -- from myself and, looks like, the  
12 assistant chorus master and Stephanie Karr.

13 Q And I was going to ask you, who is -- is  
14 this -- what is his name? Is it Jerod?

15 A Jerod.

16 Q Okay.

17 A Yeah.

18 Q And who exactly is Jerod?

19 A Jerod's on the music staff. He's the  
20 chor- -- he's the pianist assigned to the chorus  
21 rehearsal. He works closely with the chor- -- did  
22 work closely with the chorus.

23 Q And so it's safe to say this consisted of  
24 your immediate staff? Jerod and Ms. Karr?

1           A       So Jerod -- it's a little bit convoluted.  
2       Jerod works for Stephanie.  Stephanie administers  
3       stuff for me.  And Jerod is assigned to me, to work  
4       closely with me.

5           Q       All right.  And so going to -- I'm sorry.  
6       There's no Bates stamp.  I went very high and low to  
7       try to stop the confusion.  But, if you go to page  
8       1, 2, 3 and 4 --

9           A       Yes?

10          Q       -- at the bottom it says 9/10/14.  And in  
11       the middle it's saying, "You're How Old?"  Question  
12       mark.

13          A       Correct.

14          Q       And so on yours, could you read what's  
15       your -- "Dear Martin"?

16          A       "Dear Martin, Wishing you the happiest of  
17       40ths.  Lots of love and best wishes, Michael."

18          Q       And so it's safe to say in 2014 you was  
19       aware that Mr. Poock was in his 40s?

20          A       Correct.

21          Q       And do you know how did you come about this  
22       information?

23          A       Either he told me or one of his colleagues.

24          Q       Is there any other way that you can keep

1 track a Chorister's age?

2 A No. Unless they tell me, then absolutely  
3 no.

4 Q Did you and Mr. Pooch develop a profess- --  
5 personal friendship outside of work?

6 A I wouldn't say it's a friendship. I think  
7 there were occasions where there've been groups of  
8 people, maybe a drink after work or something. I may  
9 have participated there. I remember once he was very  
10 helpful when he -- he got a score -- I think it was a  
11 score -- for me. We're doing a production that  
12 Houston Grand Opera -- where he also worked. He was  
13 very helpful getting that for me. He was also very  
14 helpful with telling me a lot about the production  
15 that we're just about to do. I think we were good  
16 colleagues. I wouldn't say friends.

17 Q And the same for Ms. Steyer.

18 Would you say -- did you and Ms. --  
19 well, did you and Ms. Steyer develop a personal  
20 friendship outside of work?

21 A Exactly the same. If we had socialized, it  
22 would have been in a large group. I've never  
23 socialized with either of them individually.

24 Q And do you know if Lyric maintains a

1 seniority policy?

2 A I'm not sure. I don't know.

3 Q Going back to the Exhibit 4. If you give  
4 me a second, I can tell you which page. Bottom says  
5 34 in the middle, and it is DEF 00164. I'm guessing  
6 the "DEF" is missing, or these don't have a DEF. And  
7 it's Section 5.4.

8 A Yes?

9 Q Are you familiar with this particular  
10 policy that you just reviewed? No. Strike that.

11 What is Section 5.4?

12 A It's a section outlining seniority and --  
13 of Regular Chorus and Core Supplementary Chorus and  
14 Supplementary Choristers.

15 Q And based on what you just read, is this  
16 something that you was familiar with but maybe not  
17 knowing it was reduced to writing?

18 A No. I remember in Martin's interview, when  
19 the union representative was there and we were  
20 talking about the number of shows that he would be  
21 involved in, and she, Sherry, turned to me -- because  
22 I think I made some comment about the difference  
23 shouldn't be too much in -- at that point -- in the  
24 shows that he would be offered. And she turned to me

1 and said, "But there's a lot less pay." And, quite  
2 honestly, that was the first time I was aware that  
3 there was a -- like, a pay cut.

4 Q Based on the number of productions?

5 A Supplementary and Core Supp. Choristers.

6 Q And what about if you get so many  
7 productions within a year? Is it considered half a  
8 year versus if you get, let's say, three or more  
9 productions, that it's considered a full year? Were  
10 you aware of that?

11 A Sure. I mean, no. I was not aware of  
12 that. I am now.

13 Q Okay. Is there any way that Lyric would  
14 highlight a Chorister's significant bench mark years  
15 of employment? If you need me to rephrase it, I can.

16 Is there any way that you guys, as  
17 Lyric, celebrate anyone that's probably been there  
18 more than -- in excess of five years? In excess of  
19 ten years?

20 A Sometimes, at the end of the season the  
21 general manager at the end-of-the-season party will  
22 congratulate people on, you know, 5 years of service,  
23 10 years a service, 40 years of service, et cetera.

24 Q Any other way that you guys take notice of

1     someone's number of years with the company?

2           A     When someone retires, I always give a  
3     little speech at the retirement party, and I go back  
4     through the records.  Someone gives me their starting  
5     date, and then I go back through all the operas that  
6     have taken place.  And I count out the number of  
7     operas and performances, et cetera.  When someone  
8     retires, I do that.

9           Q     I want you to go back to Exhibit 4.

10          A     Uh-huh.

11          Q     And I believe it's the first page outside  
12     of the second page, outside of the document.

13          A     Yes.

14          Q     Cover page, I should say.

15                     If you can look at this.

16          A     Yes?

17          Q     What exactly are you looking at, Mr. Black?

18          A     Can I just ask, is the top section, is  
19     that -- I'm not sure who that refers to.

20           MS. HALL-JACKSON:  Okay.

21                     Off the record real quick.

22                             (A discussion was held  
23                             off the record.)

24           MS. HALL-JACKSON:  So if we could just strike

1     that and make this a whole other exhibit, that would  
2     be perfect.

3                                     (Plaintiff's Exhibit  
4                                     No. 11 was marked for  
5                                     identification.)

6             THE WITNESS:   Yes?

7     BY MS. HALL-JACKSON:

8             Q     Exactly what is this, Mr. Black?   Well,  
9     strike that.

10                            What exactly is Plaintiff's  
11   Exhibit 11?

12             A     It outlines compensation for Regular  
13   Choristers, Core Supplementary Choristers, and  
14   Supplementary Choristers.

15             Q     Have you seen this document before?

16             A     If I have, I skimmed over it.   But, no, I  
17   have not paid any attention to it.

18             Q     Are you familiar how much your Choristers  
19   make per hour?

20             A     No.

21             Q     So you assign different members to the  
22   chorus, and you don't know how much they make?

23             A     Exactly.

24             Q     Over a six-year period, you never



1     learned --

2           A     Right.

3           Q     -- how much your Choristers make?

4           A     No.

5           Q     Okay.

6           A     And quite deliberately so.  I -- when I  
7     audition, I listen to the voice, and I assign them to  
8     wherever they are best utilized rather than any sort  
9     of seniority or lack of.

10          Q     And I just have a few more questions, if I  
11     can find them.

12                   As you sit here today, do you know how  
13     many years of service Ms. Steyer had prior to her  
14     departure from Lyric?

15          A     I knew that she had been in the Core  
16     Supplementary Chorus, I think, one year before I  
17     arrived.  I think.  And I knew, from what I'd heard,  
18     that she had been in the Regular Chorus some years  
19     ago, but I'm not sure for how many years.

20          Q     So you don't know the exact number as you  
21     sit here today here, correct?

22          A     Correct.

23          Q     You have a ballpark figure as you sit here  
24     today?

1           A     Well, I know for a fact she was in the Core  
2     Supp. for one year before I was there.

3           Q     Okay. And then, for Mr. Pooch, do you know  
4     how long he was with Lyric before he left?

5           A     Do -- you know, I think he mentioned in his  
6     interview 10 years, but I'm not sure. I can't  
7     remember distinctly.

8           Q     And when say "interview," which interview  
9     are you referring to?

10          A     The interview with his union  
11     representative.

12          Q     Had Mr. Pooch stayed there based on this  
13     and he maintained his role in the Supplemental Chorus  
14     after the fall of 2015, is it safe to say that he  
15     would have been considered 10 years and over, and at  
16     the highest pay of the pay scale listed here in  
17     Exhibit 11? I'm sorry.

18          A     If that's how long he'd been there for,  
19     then yes.

20          Q     Okay. So anyone that was there 10 years or  
21     over would have been considered at the top of the pay  
22     scale, correct?

23          A     Yes.

24          Q     Earlier, we discussed what's considered in

1 each audition, and based on your response -- I  
2 believe I recall you talking about the voice type.

3 Is there anything else that you'd  
4 consider when -- in auditions?

5 A For me, voice is paramount because that is  
6 the -- the -- if you want the product of Lyric, the  
7 sound, the operatic sound. One reason I was very  
8 eager to hear both Martin and Christine again was  
9 because their work ethic was so good and they were  
10 good colleagues, so I wanted to give them that  
11 opportunity. So, for me, that comes into it as well.

12 Q I want to show you three employees besides  
13 Christine and Martin who auditioned for you in  
14 October of 2015 --

15 A Okay.

16 Q -- and then I'll be done.

17 A Okay.

18 Q Are you familiar with a Carla Janzen?

19 A I am.

20 Q Okay.

21 (Plaintiff's Exhibit  
22 No. 12 was marked for  
23 identification.)  
24

1 BY MS. HALL-JACKSON:

2 Q Okay. And I'm going to pass you what has  
3 been marked as Plaintiff's Exhibit 12.

4 Can you tell us exactly what that is.

5 A This is the critique of Carla Janzen's  
6 reaudition in October 2015.

7 Q And have you had an opportunity to review  
8 this document?

9 A I have.

10 Q And, based on this, what would you  
11 characterize this particular audition as?

12 A A very, very good audition with one slight  
13 criticism about the actual piercing sound sometimes,  
14 offered in the audition.

15 Q And would that be Bullet Point No. 4?

16 A No. 1.

17 Q No. 1?

18 A Yeah.

19 Q And you said that's about the piercing.

20 What is the part that's concerning?

21 A So I've said there's a warm, a medium --  
22 mixed with warm, sometimes piercing timbre. So  
23 overall it's very warm. Every now and again there's  
24 a sound that was perhaps less than optimal.

1           Q     And that's the only thing that you saw  
2 here?

3           A     Yes.

4                     Well, the other things are good.  
5 There's a nice improvement; a good choral  
6 compatibility, good intonation, excellent diction,  
7 voice is very connected to the breath.

8           Q     And so is it safe to say you sometime do  
9 take into consideration the person's last audition?

10          A     Yes.

11          Q     Are you familiar with Susan K?

12          A     Susan K.? Oh. Susan. Yeah. Suzanne.

13          Q     Suzanne. I'm sorry.

14          A     Yes.

15          Q     Suzanne K.

16                             (Plaintiff's Exhibit  
17                             No. 13 was marked for  
18                             identification.)

19          THE WITNESS: Yes?

20          BY MS. HALL-JACKSON:

21          Q     Could you explain for the record exactly  
22 what is Plaintiff's Exhibit 13.

23          A     A critique of Suzanne --

24          Q     You want to say "K"?

1           A     -- previously known as Suzanne Post, but  
2     Kszastowski's audition on October 9, 2015.

3           Q     And you had opportunity to review your  
4     bullet points here, correct?

5           A     Yes.

6           Q     How would you characterize this particular  
7     audition?

8           A     This was a good audition. And then, when  
9     Suzanne and I spoke, we spoke about -- we spoke after  
10    this. And we spoke about the over-singing, which is  
11    part of Bullet Point 4 --

12          Q     Uh-huh.

13          A     -- and the sometimes piecing timbre, which  
14    is sometimes a slightly harsh sound as things for her  
15    to work on after this audition, which she  
16    subsequently did.

17          Q     And this is -- when you say you spoke to  
18    her after the fact, is this when you offered her  
19    the --

20          A     We offer them to come in and have a very  
21    open and frank discussion with us.

22          Q     Would you say -- the two points you  
23    indicated were concerning, would this still allow her  
24    to be in the Core Supplemental Chorus --

1           A     Yes.

2           Q     -- based on this?

3           A     Yes.

4                     The things -- for example, to the size  
5 of the voice, the excellent intonation, there're two  
6 things that are -- and also the fact that the voice  
7 was supported and connected to the breath. They are  
8 things that are vital to chorus singing.

9           Q     What about the fact that her French needs  
10 some attention?

11          A     That's a point for her to work on, and that  
12 she subsequently did.

13          Q     So you would still say this is an overall  
14 good review?

15          A     Yeah. With things to -- with things to  
16 work on.

17          Q     Are you familiar with Kaileen Miller?

18          A     I am.

19          Q     And who is Kaileen Miller?

20          A     Kaileen was a member of the Core  
21 Supplementary Chorus, and she resigned, I'm going to  
22 say, two years ago, but I'd have to look at that.

23                             (Plaintiff's Exhibit

24                             No. 14 was marked for

1 identification.)

2 THE WITNESS: Yes?

3 BY MS. HALL-JACKSON:

4 Q And what is -- exactly what's been marked  
5 as Exhibit 14?

6 A This is the critique of Kaileen Miller from  
7 October 9, 2015.

8 Q And have you had the opportunity to review  
9 this document?

10 A I have.

11 Q And, based on your comments, how would you  
12 characterize this particular audition?

13 A I thought this was a very, very fine  
14 audition. The only point that I think I was asking  
15 of Kaileen to work on before the next audition was  
16 the fact that she has a warm timbre. Should always  
17 be warm timbre. The rest of it was very good, and I  
18 think there was quite an improvement from the  
19 audition before.

20 Q Is it safe to say the three individuals  
21 that I just showed you comments from -- Kaileen  
22 Miller, Suzanne K, and Carla Janzen -- are they --  
23 were they all reengaged after October 27th, 2015, in  
24 the Core Supplementary Chorus?



1           A     Yes.  They were.

2           Q     Were they reengaged in the season of 2017  
3 to 2018 Core Supplement Chorus?

4           A     I certainly know Carla and Suzanne were.  I  
5 would have to check a Kaileen's departure date from  
6 Lyric.

7           Q     And it's safe to say Carla and Suzanne are  
8 both still currently employed by Lyric?

9           A     They are, both in the Core Supplementary  
10 Chorus.

11          Q     And, as of today, do you know the age of  
12 either Carla or Suzanne?

13          A     I do not.

14          Q     As of today, do you know how long Carla has  
15 been with Lyric?

16          A     I do not.

17          Q     As of today, do you know how long Suzanne  
18 has been with Lyric?

19          A     I do not.

20          MS. HALL-JACKSON:  No further questions.

21                   Thank you for your time.

22                               (A discussion was held  
23                               off the record.)

24                               (Whereupon Ms. Elizabeth

1 Landon left the deposition.)

2 MS. CANTRELL: Okay. We can go back on.

3 EXAMINATION

4 BY

5 MS. CANTRELL:

6 Q Michael, as a reminder, you are still under  
7 oath.

8 A Uh-huh.

9 Q We've met a few times, but for the record,  
10 my name is Stephanie Cantrell. I'm an attorney for  
11 Defendant in this case, Lyric Opera of Chicago.

12 I have a just a few follow-up  
13 questions to Ms. Hall-Jackson's questions. If we can  
14 briefly look at Exhibits 12, 13, and 14. I'd like to  
15 look at these three exhibits in conjunction with  
16 Exhibit 2, if you don't mind.

17 You testified that Exhibit 2 was a  
18 comment letter from Christine Steyer's November 9th,  
19 2013, reaudition for the Core; is that correct?

20 A Correct.

21 Q And Exhibits 12, 13, and 14 -- no. I'm  
22 sorry. 13, 14 -- yes -- 12, 13, and 14 are comment  
23 letters for Carla Janzen, Suzanne K., and Kaileen  
24 Miller, correct?

1           A     Correct.

2           Q     Also for the same audition period, October  
3 of 2015?

4           A     The front page of Exhibit 2 is 2013 --

5           Q     Oh. Thank you. So --

6           A     -- and then --

7           Q     -- it would be page -- before Exhibit 2?

8           A     Correct.

9           MS. HALL-JACKSON: Stephanie, you're looking at  
10 a comment letter or a reengagement letter?

11          MS. CANTRELL: Comment letters.

12          MS. HALL-JACKSON: Okay.

13 BY MS. CANTRELL:

14          Q     So each of these documents, page 4 of  
15 Exhibit 2, and Exhibits 12, 13, and 14 are all  
16 comment letters for sopranos auditioning for the Core  
17 Supplementary Chorus in October of 2015; is that  
18 right?

19          A     Correct.

20          Q     Did Kaileen, Carla, and Suzanne have better  
21 auditions than Christine Steyer?

22          A     Yes.

23          Q     In each of Carla, Suzanne, and Kaileen's  
24 comments, you noted sometimes piercing timbre.

1           A       Uh-huh.

2           Q       Did Christine have the same issue?

3           A       No. She did not.

4           Q       Why was Christine's audition not as good as  
5       Carla, Suzanne, or Kaileen?

6           A       So one of the first issues with Christine's  
7       audition was the intonation problem that evidenced  
8       itself during the audition. To sing chorally with  
9       other people, intonation is one the basic foundations  
10      of choral singing. The other three had excellent,  
11      excellent, and good intonation; Christine didn't.

12                   There was also -- the other three had  
13      much more core to the sound -- if you want to call it  
14      that -- substance in the sound, in the range that the  
15      chorus music is written in, and Christine did not.

16          Q       And, to you, as the sole decisionmaker,  
17      lacking that middle range, that core, and having  
18      flatness and being incompatible with the chorus was  
19      more important than sometimes piercing timbre?

20          A       Yes.

21          Q       Is that your testimony?

22          A       Yes. Exactly.

23          Q       At the time of the these auditions in  
24      October of 2015, did you know of any of the women's

1     ages?

2           A     No.  I did not.

3           Q     Is age ever a factor in selecting a  
4     Chorister for the Lyric Opera of Chicago?

5           A     It's never an issue.

6           Q     What about seniority?  Is seniority ever a  
7     factor in selecting Chorister?

8           A     No.  It isn't.  And --

9           Q     Have you ever been -- oh.  I'm sorry.

10          A     I'm sorry.

11                     I can remember occasions where someone  
12     has actually disclosed their age to me.  I don't want  
13     to know, but I know from their résumé that they have  
14     been working in the opera business for, say, 30  
15     years, and I still employ them.

16          Q     Does a Chorister's voice change as they  
17     age?

18          A     Yes.

19          Q     How does a soprano's voice change as they  
20     age?

21          A     I think, if you were to ask any person or  
22     any panel in an opera house how a soprano's voice  
23     would age, negatively, it would be that there would  
24     be wobble develop in the voice, and that they may

1     lose some of the upper notes of the voice. That  
2     would be the two main things evidenced in a soprano  
3     aging.

4           Q     Did Christine Steyer's voice show any signs  
5     of aging?

6           A     No. Not at all. In fact, her top notes,  
7     as I think mentioned, were still very, very good,  
8     which is why we employed her at the Turandot --

9           Q     How about the Bass II? Can a man's voice  
10    who's auditioning for a Bass II role, can his voice  
11    change as he ages?

12          A     Yeah. I mean, often Bass II will often --  
13    the lower notes will often get better and better with  
14    age, and that's something that didn't happen with  
15    Martin.

16          Q     So, in your opinion, did Martin's voice  
17    show any signs of aging?

18          A     Not at all.

19          Q     Even if they had, just to restate, was age  
20    ever a factor in your decision in hiring either  
21    Martin -- or not hiring either Martin or Christine?

22          A     No. Age was never a factor. It was all  
23    artistic vocal decisions.

24          Q     Ms. Hall-Jackson asked you about the Lyric

1     Opera's budget.

2                     Do you know if there's a separate  
3     budget for the chorus at the Lyric Opera?

4             A     I don't know.

5             Q     Have you ever seen a budget for the chorus?

6             A     No.

7             Q     Has anyone in management of Lyric Opera  
8     ever instructed you to hire a cheaper or less senior  
9     Chorister?

10            A     Never.

11            Q     Has anyone at the Lyric Opera ever said to  
12   you you need to cut back your staff due to budgetary  
13   considerations?

14            A     Yes.

15            Q     And do you recall any of those  
16   conversations between, say, October 2015 and the  
17   selection of the repertoire for the '16, '17 season?

18            A     I do remember being approached and saying  
19   that the chorus numbers for the following season had  
20   to be reduced because of the budget.

21            Q     So you testified earlier that in November,  
22   I believe it was, you met with Martin Poock and  
23   Sherry Watkins and made a statement that worst case  
24   scenario he would be employed as a Supplementary

1 Chorister for the 2016-'17 season for four  
2 productions.

3 A Correct.

4 Q Do you recall that?

5 A Correct.

6 Q Was that a verbal contract? Did you  
7 believe that was a binding statement at that time?

8 A I was hoping that it would be -- that it  
9 would come to fruition.

10 Q Was it contingent on his reaudition in  
11 March of 2016?

12 A Not -- at that point, I believed that he  
13 would be either used in the Core Supplementary Chorus  
14 or the Supplementary Chorus, and that, if he did a  
15 good audition, he would probably be in the Core Supp.  
16 Chorus. Or, if the audition was as it had been and  
17 that the status quo had been maintained, then he  
18 would be in the Supplementary Chorus.

19 Q But as a Supplementary Chorus member, you  
20 expected that he would sing in four productions,  
21 correct?

22 A I was expecting and hoping that.

23 Q Why did he only sing in one?

24 A The budgets changed at Lyric over the fall



1     and summer -- I think the summer. And the chorus  
2     numbers were reduced.

3           Q     Who made the decision to reduce the chorus  
4     numbers?

5           A     I'm not sure exactly. I know it came from  
6     upper management just saying we needed less people in  
7     the chorus for a certain number of shows.

8           Q     Did upper management give you an option of  
9     reducing the shows or reducing the chorus members in  
10    the shows?

11          A     No. The -- I was told how many chorus  
12    would be in the shows -- in the -- in the different  
13    operas.

14          Q     You were given that number from someone  
15    else?

16          A     I was given that number.

17          Q     Did anyone from Lyric's management tell you  
18    to pick the cheaper Choristers?

19          A     No. No. Absolutely not.

20          Q     How about to pick the younger choristers in  
21    order to reduce the level of seniority?

22          A     No.

23          Q     Would you have ever made a decision on  
24    selecting a Chorister based on their level of

1 seniority?

2 A No.

3 Q Would you have ever selected a less  
4 experienced or a lesser qualified member for the  
5 chorus at the Lyric Opera?

6 A No.

7 Q Isn't it important to have the best  
8 singers --

9 A Yes.

10 Q -- in a chorus at the Lyric Opera of  
11 Chicago?

12 A So every singer in the Regular Chorus, in  
13 the Core Supp. Chorus, and the Supplementary Chorus,  
14 it's based on their audition. Not -- and the way  
15 they sing, their artistry, not their age or seniority  
16 or lack of.

17 Q We've talked a little bit about whether or  
18 not past performances are taken into consideration.

19 When you heard Christine in the fa- --  
20 Christine Steyer in the fall of 2015, were you  
21 surprised by her audition?

22 A I was, because her previous audition, I  
23 felt as being a very good audition. We'd had a  
24 session, which I thought was very good as well. So,

1     when she came into sing and it was less than  
2     successful, I was shocked. I, obviously, immediately  
3     decided to hear her again because I wanted to hear if  
4     it was just a one-off or whether this is an ongoing  
5     issue, and -- which is why we scheduled her for  
6     another audition.

7           Q     Did you know that Christine Steyer's also a  
8     soloist?

9           A     Yes.

10          Q     Would her issues of choral compatibility  
11     have impacted her career as a soloist in any way?

12          A     Not necessarily. The solo -- singing solo  
13     repertoire is somewhat different than chorus  
14     repertoire. To have a career as a soloist is a very,  
15     very different career from a career in the chorus.  
16     You both have -- you're both singing operatically,  
17     but in the chorus it's a -- it's a different  
18     technique sometimes. It's a different level of  
19     compatibility that you need. As a soloist, you can  
20     go out there and just be absolutely unashamedly  
21     themselves.

22          Q     Counsel asked you whether or not you knew  
23     that Martin wore a hearing aid, and you stated that  
24     he did, correct?

1           A       Correct.

2           Q       Did Martin's wearing of a hearing aid  
3     impact your decision to hire him in the Core  
4     Supplementary Chorus or in the Supplementary Chorus?

5           A       No. Not at all.

6           Q       From the meeting that you had with Martin  
7     and his union representative in November, I believe  
8     it was, of 2015 until the time that he was selected  
9     as a Supplementary Chorister to sing in one opera of  
10    the 2016-'17 season, did the knowledge of Martin  
11    wearing a hearing aid impact that decision in any  
12    way?

13          A       Not at all.

14                   To the best of my knowledge, I have a  
15    member of the Regular Chorus who wears a hearing aid.  
16    My boss at work wears one as well. I'm quite  
17    familiar.

18          Q       Just to clarify the record, because I know  
19    the timelines are a little bit confusing, is it  
20    typical to audition in the fall of one year, say  
21    2015, for example, for the following season, which  
22    would be 2016-'17? Is that --

23          A       Correct.

24          Q       -- a fair statement?

1           A       So the Core Supp. auditions in the fall for  
2     the following year -- season.

3           Q       So, for example, 2013 auditions are held  
4     for 2014-'15 season, correct?

5           A       Correct.

6           Q       And, if you're engaged in the Core  
7     Supplementary Chorus, you're only required to  
8     audition every two years?

9           A       Correct.

10          Q       So there would not have been an audition in  
11     the fall of 2015 for the Core Supplementary Chorus  
12     members if they already auditioned in 2013?

13          A       Sorry. Say that again, please.

14          Q       Sure.

15                   If Core Supplementary Chorus members  
16     auditioned in the fall of 2013, when would the next  
17     reaudition date be?

18          A       The fall of '15.

19          Q       Okay. So there is no audition for the Core  
20     members in 2014?

21          A       Correct.

22          Q       Instead, they're just given another letter  
23     of reengagement?

24          A       Of reengagement. Yes.

1           Q     Okay.  Thank you.

2                     Christine Steyer auditioned for you in  
3     the fall of 2013.

4                     Do you remember her coming back to  
5     sing for you in February of 2014 on voluntary basis?

6           A     Before the -- if that was for the voluntary  
7     sessions for the Core Supp., yes.

8           Q     At any time prior to the October 2015  
9     audition of Christine Steyer, had you heard problems  
10    with her middle range?

11          A     No.

12          Q     Is having more volume or more notes in your  
13    middle range something that she could have worked on  
14    in the off season?

15          A     I believe so.  I believe, had she read the  
16    comment letters and then worked, perhaps with a  
17    reputable -- maybe even a female soprano to help her  
18    through the issues there, that may have helped.

19          Q     Martin's issues with his voice, in your  
20    opinion, were they lacked lower notes -- his lower  
21    register of his voice, correct?

22          A     Correct.

23          Q     Is that something that a Chorister can work  
24    on to improve their lower register in between

1     auditions?

2           A     I believe -- yes. I believe Martin, again,  
3 perhaps could have worked with someone of his voice  
4 type to free up the lower register a little bit, to  
5 apply a little bit more sound down there.

6           Q     Exhibit 6 are -- is a multi-page exhibit.  
7 It includes comment letters from both 2013 and 2015  
8 for Martin Poock.

9           A     Correct.

10          Q     In November of 2013, he selected two  
11 arias --

12          A     Uh-huh.

13          Q     -- one of which was Die Zauberflöte.

14          A     Yes.

15          Q     Correct?

16          A     Correct.

17          Q     And in 2015 he also sang a different aria  
18 but from the same production, also Die Zauberflöte,  
19 correct?

20          A     Correct. Yes.

21          Q     In 2013, you noted that he had -- that  
22 Martin had good middle range; the lower notes were  
23 lacking.

24                     Do you see that comment --

1           A     Yes.

2           Q     -- in Bullet Point No. 5 or 6?

3           A     Yes. Correct.

4           Q     In 2015, which is the audition in question,  
5 where, after, he was not reemployed in the Core, you  
6 also noted in a bullet point that you needed more  
7 range in the vol- -- more volume in the lower range?

8           MS. HALL-JACKSON: I didn't hear you. I don't  
9 think that number came out.

10          MS. CANTRELL: 1, 2, 3, 4, 5 -- Bullet Point  
11 No. 5.

12          THE WITNESS: Correct.

13 BY MS. CANTRELL:

14          Q     You again note that "you need more volume  
15 than demonstrated in this audition in the lower  
16 range."

17          A     Yes.

18          Q     Correct?

19          A     Correct.

20          Q     And Martin sang the same aria -- or a piece  
21 from the same aria, correct?

22          A     Yeah. Correct.

23          Q     Could he have selected a different piece to  
24 showcase the lower register of his voice? Is that



1 something that a Chorister can even do?

2 A Yes. I mean, they can choose any aria they  
3 want. And, if the lower notes are the notes that are  
4 being questioned or asked to work on them, I would  
5 expect him to sing something with a lower register in  
6 it.

7 Q In the fall of 2015 both plaintiffs, Martin  
8 Poock and Christine Steyer, were notified that they  
9 may not be reengaged in the Core for the 2016-'17  
10 season; is that right?

11 A Correct.

12 Q Are you re- -- if you know, are you  
13 required under the union agreement to hear them again  
14 after the Regular Choristers audition in March, or in  
15 spring of the following season?

16 A So, my understanding is we're not required  
17 to listen to them again.

18 Q So you offering Martin and Christine an  
19 opportunity to sing before you again was voluntary,  
20 right?

21 A Yes. And it was quite deliberate on my  
22 part.

23 Q Why is that?

24 A I wanted to give them another chance. I

1 valued them as employees, and I wanted them to do  
2 better in the second auditions.

3 Q Is it fair to say that your role as chorus  
4 master, as you understand it, is the artistry of the  
5 chorus and the management of the chorus?

6 A Correct.

7 Q Do you get involved at all in budgetary  
8 considerations for the chorus, disciplinary  
9 considerations for the chorus? Is that your role as  
10 chorus master?

11 A Sometimes disciplinary considerations when  
12 it involves something that happens on the stage or in  
13 the dressing room. Sometimes I become involved along  
14 HR, but it's that pretty rare.

15 Budgetary: the only considerations I'm  
16 ever involved in is when management gives me the  
17 number of chorus members in a show, and then it  
18 changes. I have to go along with what's been given  
19 to me. I never have any say or -- what's the word?  
20 I never have any day-to-day responsibilities of  
21 putting together a budget for anything.

22 Q Are you familiar with an employee handbook  
23 at the Lyric Opera?

24 A Yes.

1           Q     Does it have any -- do you know if it has  
2 any application to the Choristers at the Lyric Opera?

3           A     I don't know.

4           Q     Are the Choristers at the Lyric Opera of  
5 Chicago governed by the collective bargaining  
6 agreement?

7           A     With AGMA?

8           Q     Yes.

9           A     I believe so.

10          Q     Okay. Did you -- you mentioned previously  
11 that you may get involved in disciplinary issues.

12                   Do you know if there's a progressive  
13 disciplinary policy applicable to Choristers?

14          A     The one that I'm familiar with is what is  
15 called the Exhibit C: Disciplinary --

16          Q     What does that refer to?

17          A     So, if there is -- if the Chorister is  
18 late, if there is some sort of -- I'm not quite sure  
19 exactly what it is, but if there's anything that's  
20 untoward, the Choristers are given Exhibit Cs. I  
21 believe they're allowed three Exhibit Cs per season  
22 before some sort of disciplinary action takes place.

23          Q     Okay. So is it fair to say that the  
24 collective bargaining agreement allows for any

1 disciplinary measures that might be assessed against  
2 a Chorister at the Lyric?

3 A Yes.

4 Q Okay. Could it ever --

5 MS. HALL-JACKSON: Could you repeat the  
6 question Counsel? Or can you read that back for me?

7 (The last question was  
8 read by the reporter.)

9 BY MS. CANTRELL:

10 Q Did you ever discipline a Chorister for the  
11 quality of their voice?

12 A No. Never.

13 Q So any disciplinary measures are restricted  
14 solely to issues as you described, such as a  
15 attendance or failing show for a performance.

16 A Yes.

17 Q Correct?

18 A Correct.

19 Q Quality of voice is not something that's  
20 subject to disciplinary measures, correct?

21 A Absolutely not. That's entirely -- that's  
22 an entirely separate issue.

23 MS. CANTRELL: Okay. I think I'm done. I just  
24 wanted to look through my notes.

1 Do you have any follow-up questions?

2 MS. HALL-JACKSON: I had one. I've been up  
3 since 3:30.

4 (A discussion took place  
5 place off the record.)

6 MS. CANTRELL: I'll ask another one if you  
7 don't mind.

8 MS. HALL-JACKSON: Good.

9 BY MS. CANTRELL:

10 Q Do you recall specifically what was told to  
11 you by Lyric management in the winter of 2015 and '16  
12 as far as the number of Choristers you could have in  
13 the various productions for that season?

14 A Do you know, I don't remember specifically.  
15 I know that the numbers were reduced. I can't  
16 remember exactly who told me. I think it -- I think  
17 I may remember, but I can't remember exactly what was  
18 said or -- I just remember the information was passed  
19 down that the numbers were being reduced.

20 Q And are you allowed under the collective  
21 bargaining agreement to reduce the number of Regular  
22 Choristers?

23 A No. The Regular Chorus, if -- no. The  
24 Regular Chorus have to be in every performance.

1           Q     And, if you select a production for the  
2     season -- well, scratch that.

3                     Are you in charge of selecting  
4     productions for the season?

5           A     No. I'm not.

6           Q     Who makes that decision?

7           A     Upper management.

8           Q     Okay. So, if upper management makes a  
9     decision to have certain productions during the  
10    season and a particular production has less than 48  
11    Regular Choristers, do you know if they still get  
12    paid under the collective bargaining agreement?

13          A     They still get paid. So Regular Choristers  
14    are on a salary for the season.

15          Q     And, if upper management selects a  
16    production for any given season that has less than 12  
17    Core Supplementary Choristers, does management have  
18    the discretion to reduce that number?

19          A     Yes.

20          Q     And, in fact, in 2016, is it your testimony  
21    that you were directed by upper management to reduce  
22    the number of Core Supplementary Choristers in the  
23    productions for the 2016-'17 season?

24          A     Yes.

1           Q     So, if you had suggested to Martin Poock  
2     that, as a Supplementary Chorister or as a Core  
3     Supplementary Chorister he may be allowed to sing in  
4     certain productions, you were then -- is it your  
5     testimony that you were then instructed by management  
6     that the number of Choristers in those productions  
7     had to be reduced?

8           A     Correct.

9           Q     And is that the only reason that Martin  
10    wasn't offered more productions for the 2016-'17  
11    season?

12          A     That is the only reason.

13          MS. CANTRELL:   Thank you.

14                   I don't have anything else.

15          MS. HALL-JACKSON:   One follow-up for you.

16                   FURTHER EXAMINATION

17                   BY

18                   MS. HALL-JACKSON:

19          Q     You just indicated in your testimony that  
20    in the spring or summer of 2016 you was informed you  
21    need to cut the budget for the 2016, 2017 season,  
22    correct?

23          A     The numbers of the chorus were changed.  
24    Correct.

1           Q     How was that communicated to you?

2           A     My memory of that is that, I believe, Nick  
3 Martin, who is the overseer of the artistic budgets  
4 told me that this would be happening for certain  
5 operas.

6           Q     You're still not answering how -- I'm  
7 referring to the method.

8                     Was this a verbal conversation? Was  
9 this something in writing?

10          A     I have no recollection.

11          Q     Okay. If it was in writing, would you have  
12 given that to your attorney, Ms. Cantrell, prior to  
13 today?

14          A     If she asked, absolutely.

15          MS. HALL-JACKSON: Okay. If there is some form  
16 of written communication between you and Mr. Martin  
17 around that time, I ask that you please do tender it  
18 to your attorney, and Ms. Cantrell can tender it to  
19 us in production.

20                     No further questions.

21          MS. CANTRELL: I'm sorry. Two more quick  
22 things, and then I promise I'll be done.

23                     FURTHER EXAMINATION

24                     BY



1 MS. CANTRELL:

2 Q If I were to tell you that Andy Melinat,  
3 who's the VP of Artistic Planning -- does that sound  
4 like --

5 A That's correct.

6 Q -- his position there?

7 A Yes.

8 Q Just for record. Thank you.

9 A My mind went blank.

10 Q Also, I'm going to hand you a document that  
11 is -- we used in the Christine Steyer deposition as  
12 Defendant's Exhibit No. 4. It's Bates stamped DEF  
13 00685 through DEF 00688. It's a four-page document.

14 MS. HALL-JACKSON: Is that something we used  
15 earlier?

16 MS. CANTRELL: Yeah. We used it yesterday.

17 MS. HALL-JACKSON: Can I just see it real  
18 quick?

19 MS. CANTRELL: Absolutely.

20 MS. HALL-JACKSON: Thank you. Uh-huh.

21 BY MS. CANTRELL:

22 Q If you take a look at page 2 and page 4 of  
23 this document, which is Bates stamped 00686 and  
24 00688.

1           A       So this first one is 20- --

2           Q       And you don't have to describe it. I'm  
3 just asking you to take a look at it.

4           A       Yeah. Sure.

5           Q       Do you know whose handwriting that is on  
6 page 2?

7           A       This is my handwriting.

8           Q       And how about page 4 of 4, do you know  
9 whose handwriting that is?

10          A       That is my handwriting.

11          MS. CANTRELL: Thank you.

12          MS. HALL-JACKSON: Can we get the exhibit on  
13 the record, exactly what it is.

14          MS. CANTRELL: Sure.

15                   It's Defendant's Exhibit 4 from the  
16 Christine Steyer deposition. It's stated Lyric Opera  
17 of Chicago, Supplementary Chorus Re-Auditions,  
18 Auditioning for the 2013-'14 Season. And it's a  
19 four-page exhibit.

20          MS. HALL-JACKSON: Okay. I just figured if we  
21 cite to it in the future, you might want to have it.

22          MS. CANTRELL: That's all I have.

23          MS. HALL-JACKSON: I did have more, and then  
24 I'll leave you guys alone.

1

2

3

FURTHER EXAMINATION

4

BY

5

MS. HALL-JACKSON:

6

7

8

Q If we can go back to Exhibit 4, and the very last page of that exhibit, if you can review it for me.

9

A Yes?

10

Q Okay. Exactly what are you looking at?

11

MS. CANTRELL: If you know.

12

13

THE WITNESS: Honestly, I have no idea. I've never seen this before.

14

BY MS. HALL-JACKSON:

15

Q That was my next question.

16

17

Have you ever seen this document before?

18

A I have not.

19

20

21

22

Q And the document which we're referring to is entitled, "Lyric Opera of Chicago Supplementary Chorus repertoire Availability Form." And, in the right-hand corner it has 00255.

23

24

And, based on your testimony, you never had any Chorister actually fill out this

1 document and submit it with the audition?

2 A I haven't. I don't know whether Lyric has.

3 MS. HALL-JACKSON: Okay. No further questions.

4 MS. CANTRELL: Thank you.

5 We will waive.

6 FURTHER DEPONENT SAYETH NAUGHT. . .

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9 And further, that he is not connected by blood  
10 or marriage with any of the parties to this action,  
11 nor is he a relative or employee or attorney or  
12 counsel of any of the parties, or financially  
13 interested directly or indirectly in the matter in  
14 controversy.

